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PACIFIC SALMON TREATY

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

FEBRUARY 22, 1985

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CONTENTS

	Page
Hearing day:	
February 22, 1985	1
Statement of:	
Blake, Robert, chairman, United Fishermen of Alaska, Cordova, AK, accompanied by Demming Coles	78
Cedergreen, Mark, chairman, United States-Canada Treaty Coalition, Portland, OR	91
Cohen, Norman, representing Governor Bill Sheffield of Alaska	58
Derwinski, Hon. Edward J., Counselor to the Secretary of State, accompanied by Mary Walker, Deputy Solicitor, Department of the Interior; and Joy Yanagida, legal office, Department of State	7
Frank, Bill, Jr., chairman, Northwest Indian Fisheries Commission, Olympia, WA	65
Gorton, Hon. Slade, a U.S. Senator from Washington	6
Kronmiller, Hon. Theodore G., Chief U.S. Negotiator, Pacific Salmon Treaty	15
Pinkham, Allen, chairman, Columbia River Inter-Tribal Fish Commission, Portland, OR	70
Wapato, Tim, Tribal Councils, Portland, OR	63
Yallup, William F., chairman, Fish and Wildlife Committee, Yakima Indian Nation, Toppenish, WA	74
Zuanich, Robert P., Purse Seine Vessel Owners Association, Seattle, WA	84
Insertions for the record:	
Prepared statement of Hon. Edward J. Derwinski	10
Prepared Statement of Hon. Theodore G. Kronmiller	17
Exchange of Notes	42
Stipulation and Order (Confederated Tribes and Bands of the Yakima Indian Nation, et al., v. Malcolm Baldrige)	47
Governor Sheffield's letter in support of the Pacific Salmon Treaty	59
Prepared statement of Bill Frank, Jr	67
Prepared statement of Allen Pinkham	72
Prepared statement of William F. Yallup	75
Prepared statement of Robert Blake	80
Prepared statement of Robert P. Zuanich	86
Prepared statement of Mark Cedergreen	93
State Department's responses to additional questions submitted by Senator Dodd	101
Appendix:	
Statement of the Northwest Power Planning Council	105
Statement of Joe DeLaCruz, Quinault Indian Nation, Taholah, WA	110
Statement of William R. Wilkerson, director, Washington Department of Fisheries	112
Statement of Earl E. Krygier, Alaska Trollers Association, Juneau, AK	139
Letter to Senator Murkowski from Geron Bruce, executive director, United Southeast Alaska Gillnetters, dated February 21, 1985, regarding the Pacific Salmon Treaty	140
Letter to Senator Gorton from Douglas Fricke, president, Washington Trollers Association, dated February 4, 1985, in support of the Pacific Salmon Treaty	141

PACIFIC SALMON TREATY

FRIDAY, FEBRUARY 22, 1985

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:10 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Frank H. Murkowski presiding.

Present: Senators Murkowski, Evans, Pell, Cranston, and Dodd.

Senator MURKOWSKI. We will call the hearing to order.

This is a hearing by the Foreign Relations Committee of the U.S. Senate to take action on the pending Pacific Salmon Treaty, and as an Alaskan I am particularly pleased to have the opportunity to chair this hearing today.

This represents a very long effort, some 15 years in negotiation between the United States and Canada. It has been a rather difficult treaty, as the timeframe of 15 years indicates. I think it is significant in that it represents a compromise, also a consensus of all parties. The vision, of course, will be judged by future generations because we are dealing with a renewable resource. The judgments that are made and the bindings of this treaty are truly going to be weighed by those who follow us.

I think the commitment that has been given by those that have negotiated this treaty certainly deserve thanks for a job well done. Before I address the merits of the treaty, I would like to recognize a Senator who could not be here today, the senior Senator from Alaska, Senator Ted Stevens, who hopefully by this time is in Alaska. He has been very committed to the development of a treaty for a long period of time and has worked hard toward that end.

Some of us recall that when the last negotiations broke off it was Ted Stevens, Senator Dan Evans, who is on my right, Senator Slade Gorton, who will address the hearing very briefly, and myself that arranged a meeting with five Members of the Canadian Parliament. We would like to think that that meeting contributed something to getting the talks back on track.

I am going to very briefly go through some of the highlights of the treaty that led us up to where we are today, and we will hear further detail from some of the witnesses who will testify.

At the outset, I do want to stress the most important provision of the treaty on the commission that will be established to determine future fishing allocations, and that is the makeup of the voting members, where the State of Alaska, my State, will have one vote, Washington and Oregon will have one vote, and the Indian tribes

will have one vote. There will be a nonvoting member from the Federal Government as well.

All decisions of the commission must be made by a unanimous vote, and clearly this will ensure that the views of each will be heard and will also mean that the Commissioners will have to work closely to arrive at decisions that will protect the interests of all parties. I firmly support this key element to the treaty because I think it involves a check and balance which is going to be so necessary to make this work.

It is my understanding if the veto is invoked on the chinook salmon, in effect, the fishery will stop. This would be motivation to resolve whatever that particular dispute, because the fish are not going to wait. I wish we could have that, and I am sure Senators Evans and Gorton would agree with me, kind of motivation to reach a compromise in much of the business that we conduct around here. We might not be here tomorrow and Sunday, as appears to be the case now. We currently are involved with some of our extenuated deliberations that this body is quite famous for.

The treaty negotiations also resolved the troubling controversy between my State and the Indian tribes of the Pacific Northwest over the fishing rights for chinook salmon. The tribes have agreed, according to my understanding, not to litigate against our State on this issue. And further in regard to the chinook, the treaty grants Alaska a yearly allocation of 263,000 fish; in addition, the treaty provides for 2½ years of a rebuilding cycle. This will allow the rebuilding of our chinook stocks, which we are all interested in.

I mentioned only some of the key features, but these are some of the important reasons why I support the treaty. We all recognize that each party to the negotiations has given some ground, yet the treaty truly represents a reasonable approach to a controversy that has consumed, as I have indicated, some 15 years.

Some may wonder why this treaty is so important to the Pacific coast States, and I can only speak for our State of Alaska. I am sure that Dan Evans is going to give his State's perspective and, of course, Slade Gorton as well, but let me note that last year alone commercial fishermen harvested a record of 132.5 million salmon from Alaska. That is the fifth consecutive year that the salmon catch has exceeded 100 million fish, which I think is indicative of the management ability of Alaska, even though we have been managing its resourses for a relatively short period of time.

Alaska is the world's leading source of salmon, with between one-third and one-half of the world's catch. Obviously the salmon follow no political boundaries. With the development of commercial fishing on the Pacific coast before the turn of the century, overexploitation of the resource became a reality. With overharvesting came the need for comprehensive bilateral management to assure a constant, reliable source of salmon for future generations of North America.

It is because salmon are so critical to the economy and the lifestyle of our people in Alaska that we must be assured that the economic viability of our fishermen would not be endangered by a treaty with Canada. Reaching this salmon treaty has involved literally hundreds of persons over the last decade and a half, and credit

surely is due to everyone here today who participated in the negotiations and is appropriate.

I extend gratitude to all the others who participated but could not come to Washington to testify today. I would like to acknowledge Counselor Ed Derwinski, my fellow Irishman, and his role in our negotiations. His presence here today and that of his counterpart, Mitchel Sharp, from Canada proved to be the forge for the compromise. I think Ed's emphasis on the administration's support for the treaty was most valuable. Ed, I thank you for your work.

Recognition especially goes to the chief U.S. negotiator, Ted Kronmiller. The U.S. delegation was represented by many voices, generally separate and often diverse, but Ted Kronmiller was able to unite those several voices into a coherent, unified voice. He worked closely with all of the fishing representatives to ensure that each understood the U.S. stake in the talks and that there were no hidden cards that could suddenly come up and spoil the negotiations. Ted, with that kind of an ability, there is a place for you in Washington.

Don Collingsworth, Alaska's fish and game commissioner, certainly gets high marks, along with deputy commissioner Steve Pennoyer. These two worked tremendously hard to protect Alaska's interests during the talks.

Finally, Alaska's fishermen deserve credit. Men and women all over the State, who were fighting for their economic survival. Their contribution will be recognized by their children and their present sacrifice is for a higher cause, the sound management of the salmon resource.

These fishermen were represented most ably by Earl Krygier of the Alaskan Trollers Association, Geron Bruce of the United Southeast Alaska Gillnetters, Bruce Wallace of the Southeast Alaska Seine Boat Association and Operators, and Jeu Shelton of the Southeast Gillnet Association. They deserve our thanks as well.

The Federal Government has sought this treaty, as I stated, for many years. Committing itself to reaching an agreement with Canada. Yet, along with that commitment is another commitment to support enhancement efforts to mitigate some of the effects of this treaty with Canada.

It is my understanding that legislation implementing this treaty does include general authorization for enhancement, and I strongly support that initiative. The House Merchant Marine and Fisheries Committee will be holding hearings next Monday, February 25, on the legislation, and I think Alaska is most fortunate that our Congressman, Don Young, representing our State's interest in the House hearings. Don has worked hard to ensure that Alaska fishermen have been treated fairly in this matter.

The entire Alaska delegation looks forward to working with our House and Senate colleagues during the progress of this legislation to make sure that this responsibility for enhancement is upheld by the Federal Government.

I want to thank you again for coming. Now I wish to recognize my colleagues for comments that they may wish to make. Senator Evans, you are on board.

Senator EVANS. Thank you, Mr. Chairman. Thank you very much.

Let me first add to the chairman's gratitude and thanks to those who have labored so hard on what as short a time ago as the latter part of 1984 looked to be an almost impossible task. Counselor Derwinski certainly deserves enormous credit, and Ted Kronmiller—not only enormous credit for negotiating skills but for enormous patience during these extended debates and negotiations, which have taken so long.

But I think we also ought to pay credit to the Governors of the States involved, the tribal leadership of many of the Northwest tribes, who had not only a good deal at stake but who contributed much to making this treaty come together.

The representatives of the Federal Government, the United States and Canadian delegations, Mitchel Sharp and Garnett Jones particularly, but going clear back over the 14-year history of these negotiations, Don McKernan from the United States, and Clif Levelton from Canada, who really began this effort, and later Lee Alverson from the United States and Michael Shepard from Canada, who carried them forward almost to the point of success.

But we have now come very close to the opportunity we have sought for most of a generation, and that is to finally recognize that it is in the best interests of all concerned, of both nations, to reach a treaty which gives us a base—and that is all that it does, is give us a base—on which to rebuild stocks which have been seriously under pressure and some stocks which have been seriously overfished for many years.

The balances reached in this treaty are balances which will be of perhaps more benefit to some than others, at least initially. The sacrifices may fall a little more heavily on some rather than others, at least initially. But I think it is to the great credit of those who may have given a little more and those who will have to wait a little longer for the ultimate benefits of the treaty that they were willing to join in.

I would have preferred, for instance, a faster rebuilding cycle on chinook than the one finally achieved. It would have been nicer to look at something earlier than 1998 as a target year, but I think during the course of the next decade we will see the beginnings of what I am confident can be an enormous regrowth and rebirth of the fisheries resource, particularly in the Northwest and in the States of Washington and Oregon.

The fish may leave the rivers and the bays of Washington and Oregon, but virtually all of them head north and once the adults start back they must run the gauntlet of Alaskan and Canadian commercial and sports fishermen and offshore and finally river and perhaps almost last tribal fishermen, who have a particular right for access to a portion of these fish.

I had the privilege of serving as chairman of the Pacific Northwest Regional Power Council. That council has the ability and has used that ability to create a fish and wildlife plan that contains some strong measures for rehabilitation of the resources. But in that fish and wildlife plan we said that we would not move forward with major enhancement proposals until there was control of the ocean fishery.

I am delighted that this treaty, which looks to be so close, represents the major control necessary to allow us to embark on those

strong rehabilitation measures which will be so important for all of us.

Finally, Mr. Chairman, I would like to remind everyone that the signing of a treaty is only the beginning, not the end. It still is a fragile document. I remember very well from my history that the Treaty of Paris in 1783 ended the Revolutionary War and ended the conflict between the British and the Americans, but it was the better part of a century before those two nations became true friends and operated in the close partnership which we now see.

It is going to take time. All parties must continue the efforts that they put into negotiating the treaty into ensuring that the treaty is fully carried out. I am confident that those who have worked so hard to bring us this far will continue their efforts. The consequences of not doing so will be dramatically bad for everyone.

We have the choice of failing and retreating to determine who shall catch the last fish, or we have an opportunity to rebuild the enormous salmon resources of the North Pacific to the great benefit of citizens of all the Northwest States, Canada, and Alaska.

Senator MURKOWSKI. Thank you very much, Senator Evans. We very much appreciate the role that you have played in the formation of this treaty, and I think your contribution in the time that you have been here has been to help move it over the top. For your support in that regard, we are most appreciative.

I might add that you commented that in general terms salmon moving to Alaska, and you mentioned something about the fishermen they face to get back to Washington State. I do not know if you are looking for an invitation to come to Alaska to fish or not, but I extend you one, and you, too, Senator Gorton.

Senator EVANS. I suspect I would have a lot better luck fishing in Alaska than I have fishing in our own waters.

Senator MURKOWSKI. We have another colleague from the Foreign Relations Committee that has joined us, Senator Dodd.

Senator DODD. Are you extending those invitations to Democrats?

Senator MURKOWSKI. I will move across the aisle to my friend.

Senator DODD. I am not being discriminated.

Mr. Chairman, I really don't have any comments. Anything that Ed Derwinski is involved in has to come out well. I served with him in the House; I know he worked hard. I remember this issue when we met with our Canadian counterparts. This was a sensitive issue a year ago, and I know you were deeply involved in it at that time. I am interested in reading the testimony. So I am delighted to be here.

Senator MURKOWSKI. Well, having been with you while meeting that Canadian delegation the year before last, I can only speak with the highest praise for your efforts in cementing good will and friendship with our Canadian friends. You were one of our better good will ambassadors on that particular trip.

I guess it is your turn, Senator Slade Gorton of the State of Washington. Welcome tc the committee.

STATEMENT OF HON. SLADE GORTON, A U.S. SENATOR FROM WASHINGTON

Senator GORTON. Thank you, Mr. Chairman, and my distinguished colleague from Washington, and my friend and distinguished colleague from the State of Connecticut. I want to commend each of you for your efforts in acting so expeditiously on this important treaty, as well as the balance of the Foreign Relations Committee, too.

This treaty, as you have pointed out, has been in the making for the better part of two decades. The United States-Canada Salmon Interception Treaty is critical to the Pacific Northwest. The future of the salmon resource and the people who depend upon it are in jeopardy. Uncontrolled interceptions by Canadian and United States citizens have been a major problem that have clearly resulted in overfishing of the resource.

The solution to this problem is this treaty. The treaty is built upon two basic principles. First, it is designed to prevent overfishing and to provide for optimum production. And, second, it is directed at equity, at the proposition that each country should receive benefits equivalent to the production of salmon originating in its waters.

I should like to emphasize that this treaty will cause difficulties to many fishermen, who will have to give up a lot in the short term in order to provide that more salmon will be available in the future. But while it is not a panacea, I do believe that it is the best agreement we could attain under current circumstances.

I believe strongly that this treaty will in the long run tend to first guarantee more salmon for the Pacific Northwest; second, increase returns on hatchery and habitat investments; third, prevent the overharvesting of our salmon; fourth, rebuild our dwindling chinook and coho stocks; and, fifth, provide for strong international cooperation in the management of Pacific salmon stocks.

This treaty is endorsed by most of the Northwest's commercial and sports fishermen, by State and tribal fishery managers, by conservationists, fishery-dependent businesses, port authorities, cities, counties, and State governments. The Pacific Salmon Treaty is vital to the protection, enhancement and coordinated management of our salmon resources.

Both the chairman and my colleague from Washington already know all of this, and each has played a vital part in bringing us this far. Now we must join together in urging our colleagues to support this treaty. Your prompt consideration is greatly appreciated, and I pledge to you that the Committee on Commerce, on which I serve, will be equally prompt in dealing with the necessary implementing legislation.

Mr. Chairman and my two colleagues who are here, I thank you very much for this opportunity to present my views.

Senator MURKOWSKI. Thank you very much, Senator Gorton. We are most appreciative of your comments, and hopefully the challenge before us in encouraging our colleagues to support this treaty will not be as difficult as some of our tasks around here.

I just might comment. I was thinking as I looked over the roster of the Foreign Relations Committee that it has been charged with

moving from right to left and all over the ballpark, but with your addition I guess one could say it is moving west a little bit not. Is that right?

Thank you very much.

Senator GORTON. Thank you.

Senator MURKOWSKI. We will start in with a panel at this time, and we are very pleased to welcome Mr. Ed Derwinski, Counselor to the Secretary, and joining Mr. Derwinski will be Ted Kronmiller, Chief U.S. Negotiator. Gentlemen, we welcome you.

I apologize. I have two sheets of paper, and of course the appropriate title is the Honorable Ed Derwinski and the Honorable Theodore Kronmiller. With that profound observation, I would ask that you proceed with your testimony as you are inclined. You might introduce the members that are with you.

STATEMENT OF HON. EDWARD J. DERWINSKI, COUNSELOR TO THE SECRETARY OF STATE, ACCOMPANIED BY MARY WALKER, DEPUTY SOLICITOR, DEPARTMENT OF THE INTERIOR; AND JOY YANAGIDA, LEGAL OFFICE, DEPARTMENT OF STATE

Mr. DERWINSKI. In addition to Mr. Kronmiller, I am accompanied by Mary Walker, who is the Deputy Solicitor of the Department of the Interior, and Joy Yanagida, who is in the legal office of the Department of State.

Mr. Chairman, I would like to ask that my complete statement be inserted in the record. As I was trained in the House of Representatives, I will be brief to help expedite the hearing.

Senator MURKOWSKI. Your statement will be entered into the record.

Mr. DERWINSKI. We appreciate the early attention you are giving this matter, Mr. Chairman, and it is our feeling that the treaty and the legislation which it requires, as well as the other parts of the agreement, are in the best interest of the enhancement of salmon resources on the west coast of North America. We especially believe that this represents a tremendous improvement in bilateral relations with Canada.

With your permission, Mr. Chairman, I would like to spend a moment describing the background of United States-Canadian relations that led to the effort to obtain this treaty.

Senator MURKOWSKI. Please proceed.

Mr. DERWINSKI. Secretary Shultz has made it a point to meet with his Canadian counterpart regularly to discuss a wide range of issues between the two very friendly but sometimes not completely coordinated countries. What happened in this particular case is that the Secretary designated me to be sort of an overseer of the effort. My Canadian counterpart, as you noted, was Mr. Mitchel Sharp, a very distinguished official, former External Affairs Minister of Canada, and he and I worked together to demonstrate the mutual interests of the two governments.

Interestingly enough, the election took place in Canada, and there was a complete political sweep. The new government retained Mr. Sharp to demonstrate that it was a bipartisan interest as well as a truly national matter, and as a result high level emphasis in both countries continued.

The effort was obviously complicated by the fact that there was a bit of pessimism because of failures in previous years, but I think we managed to create an atmosphere where, especially with the prodding of Ted Kronmiller, everybody recognized that this was a great opportunity. We had the complete cooperation of all the units of the Federal Government—the Interior Department, Commerce Department, Treasury, the Justice Department.

I was given complete cooperation from all the bureaus in the State Department and, as a result, we put together what I thought was a very effective team, representing Federal interests.

I will mention Ted again later, but then in turn we have had tremendous cooperation from the Governors of the Northwest States and Alaska. The three State fisheries commissioners—Mr. Wilkerson of Washington, Mr. Collingsworth of Alaska, and Mr. Donaldson of Oregon—were especially helpful. They were advocates of their States' position, but they were also moderators in the sense of keeping progress in negotiations.

The treaty Indian tribal leadership was especially helpful, thoughtful, and again determined to protect their interests, but also looking at the bigger picture. So the entire atmosphere was such that we were able to finally, after very difficult negotiations, get this treaty.

Ted Kronmiller had amazing patience and without his patience, as well as, of course, knowledge of the issue, we could not have succeeded. I frankly just sat around and watched and enjoyed the beautiful weather in Vancouver. I did see the Sun 1 day, I believe. And it was an effort which was really a team effort.

I should say in all honesty that there were moments when the negotiations between various fishing interests in Alaska versus the lower 48 were more complicated than some of our negotiations with the Canadians, but that was fully expected and it worked out well in the long run.

In addition to Joy Yanagida there for the State Department, her colleague, David Colson, was a great help to us. I would be remiss, Senator Evans, if I did not mention the fact that a lot of history and effort went into this. Miss Chris Dawson on your staff is an example of people who did all the spadework, and without the work that she and others did in previous years we would not have been able to pull this thing together as we were.

Now, we also tried to keep in touch with the House Members as well, to see to it that the legislative process is expedited in the House. We have a hearing scheduled Monday before the Merchant Marine Committee. We hope to have the legislation approved midweek by the full committee, and have it here for your Commerce Committee later in the week. And that cooperation has been bipartisan. Tom Foley has been especially helpful, as well as Don Young. It has been a good team effort and we appreciate all that has gone into it.

Finally, if I may, Mr. Chairman, make the obvious point from the Department of State, we especially appreciate the prompt consideration. It is our hope that the legislative branch will complete processing of the legislation and ratifying the treaty so that this matter would be a centerpiece of the President's forthcoming visit to Canada, to dramatize the fact that we are solving problems that

have too long been neglected, that we are working to achieve maximum cooperation and understanding with our neighbor to the north, and this will be an example of the achievements that are possible under two enlightened and interested administrations in Washington and Ottawa.

With that, Mr. Chairman, I thank you for your attention. I would ask at this time if Mr. Kronmiller would present us with his detailed testimony on the treaty.

[Mr. Derwinski's prepared statement follows:]

PREPARED STATEMENT OF HON. EDWARD J. DERWINSKI

I AM PLEASED TO MEET WITH YOU TODAY TO TESTIFY IN FAVOR OF THE PROPOSED TREATY BETWEEN THE UNITED STATES OF AMERICA AND CANADA CONCERNING PACIFIC SALMON.

THIS TREATY ALONG WITH ITS ANNEXES AND A MEMORANDUM OF UNDERSTANDING WAS SIGNED IN OTTAWA ON JANUARY 28, 1985 AFTER NEARLY 15 YEARS OF NEGOTIATIONS. THESE DOCUMENTS AND THE NEGOTIATIONS THAT LIE BEHIND THEM REFLECT OUR CONCERN FOR THE ENHANCEMENT OF THE SALMON RESOURCE ON THE WEST COAST OF NORTH AMERICA AS WELL AS FOR THE ENHANCEMENT OF OUR BILATERAL RELATIONSHIP WITH CANADA. WITH YOUR PERMISSION, MR. CHAIRMAN, I WOULD LIKE TO EXPLAIN BRIEFLY OUR BASIC FOREIGN POLICY INTERESTS IN THIS TREATY AND THEN INVITE MR. KRONMILLER, OUR CHIEF NEGOTIATOR, TO REVIEW THE TREATY ITSELF.

AS YOU KNOW, MR. CHAIRMAN, PRESIDENT REAGAN AND SECRETARY OF STATE GEORGE SHULTZ HAVE MADE A DETERMINED EFFORT TO IMPROVE THE QUALITY OF OUR RELATIONSHIP WITH OUR GOOD NEIGHBORS TO THE NORTH AND TO RESOLVE OUTSTANDING PROBLEMS IN A PRACTICAL AND MUTUALLY-BENEFICIAL WAY. FOR THIS PURPOSE, THE SECRETARY HAS HELD MEETINGS AT REGULAR INTERVALS WITH HIS CANADIAN COUNTERPART.

LATE LAST SUMMER, THE SECRETARY AND THEN-FOREIGN MINISTER MACEACHEN AGREED TO APPOINT "OVERSEERS" AT A SENIOR POLITICAL

LEVEL TO MONITOR THE PACIFIC SALMON NEGOTIATIONS AND PROVIDE ASSISTANCE AND GUIDANCE AS REQUIRED. THE SECRETARY ASKED ME TO TAKE ON THIS TASK FOR THE UNITED STATES.

AS MY COUNTERPART, THE CANADIAN GOVERNMENT APPOINTED MR. MITCHELL SHARP, A FORMER MINISTER OF EXTERNAL AFFAIRS AND FORMER HOLDER OF OTHER SENIOR CABINET POSTS. MR. SHARP IS A WORLD-RENOWNED STATESMAN AND AN ELOQUENT ADVOCATE OF HIS COUNTRY'S INTERESTS. HE IS A TOUGH BARGAINER, BUT HIS BROAD VISION AND GREAT SENSE OF RESPONSIBILITY HELPED IMMEASURABLY IN REACHING AGREEMENT ON A BALANCED AND FAIR TREATY.

THE PROPOSED U.S. -CANADA PACIFIC SALMON TREATY IS ONE OF THE FIRST CONCRETE RESULTS OF THIS NEW DIALOGUE. IT IS DESIGNED TO REBUILD THE PACIFIC SALMON POPULATION FOR THE LONG TERM BENEFIT OF ALL USERS IN BOTH COUNTRIES. TO DO THIS HAS REQUIRED AGREEMENT TO CERTAIN ADJUSTMENTS OR REALLOCATIONS IN THE SHORT RUN THAT ARE DIFFICULT FOR SOME USERS ON BOTH SIDES OF THE BORDER. HOWEVER, WE ARE CONVINCED THAT ALL PARTIES WILL BENEFIT GREATLY OVER TIME FROM THE ENHANCEMENT PLANS INCORPORATED IN THE TREATY OR ITS ANNEXES AND FROM THE CAREFUL MANAGEMENT OF THE SALMON RESOURCE BY THE JOINT U.S.- CANADA COMMISSION ENVISAGED IN THE TREATY.

IT SHOULD BE NOTED, HOWEVER, THAT THE TREATY ALSO REPRESENTS A DELICATE BALANCE OF GIVE AND TAKE BY ALL PARTIES.

THE TREATY AND RELATED DOCUMENTS BEFORE THE COMMITTEE REPRESENT SKILLFULLY NEGOTIATED AGREEMENTS BETWEEN THE U.S. AND CANADA AS WELL AS FRAGILE COMPROMISES AMONG THE STATES OF THE UNITED STATES AND AMONG THE VARIOUS HARVESTING GROUPS.

IN THIS CONNECTION, I WOULD LIKE TO NOTE THAT THE IMPLEMENTING LEGISLATION (H.R. 1093) INTRODUCED IN ANOTHER BODY IS AN INTEGRAL PART OF THE DELICATE BALANCE AND FRAGILE COMPROMISES THAT I HAVE JUST MENTIONED.

ONE OF THE IMPORTANT KEYS TO SUCCESS ON THE UNITED STATES SIDE WAS THE EXTRAORDINARY COOPERATION MR. KRONMILLER AND I RECEIVED FROM ALL THE MEMBERS OF THE UNITED STATES DELEGATION. BUT FIRST, LET ME HIGHLIGHT THE DYNAMIC BUT SENSITIVE LEADERSHIP OF TED KRONMILLER AS CHIEF NEGOTIATOR. HIS PERFORMANCE HAS BEEN TRULY OUTSTANDING. TED HAS A COMPLETE GRASP OF THE BIOLOGICAL, ECONOMIC, AND POLITICAL REALITIES OF THE PACIFIC SALMON ISSUE AND HAS BEEN FAIR AND OPEN WITH ALL MEMBERS OF HIS LARGE DELEGATION, WHICH REPRESENTED EVERY MAJOR SALMON INTEREST IN THE STATES OF OREGON, WASHINGTON, AND ALASKA.

THE GOVERNORS OF THE STATES DIRECTLY INVOLVED -- GOVERNOR SHEFFIELD OF ALASKA, GOVERNOR ATIYEH OF OREGON, GOVERNOR EVANS OF IDAHO, AND GOVERNOR GARDNER OF WASHINGTON (AS WELL AS FORMER

GOVERNOR SPELLMAN) -- HAVE ALL INDICATED THEIR SUPPORT OF T E TREATY. ABOVE ALL, THREE STATE FISHERIES COMMISSIONERS, MR. DON COLLINGSWORTH OF ALASKA, MR. WILLIAM (BILL) WILKERSON OF WASHINGTON, AND MR. JACK DONALDSON OF OREGON CONSTITUTED THE BACKBONE OF THE U.S. NEGOTIATING TEAM. I BELIEVE THE TREATY LITERALLY COULD NOT HAVE BEEN ACHIEVED WITHOUT THEIR PARTICIPATION IN THE DELEGATION AS BOTH ADVOCATES AND MODERATORS. OTHER GIFTED REPRESENTATIVES OF THE TREATY INDIAN TRIBES, AND OF RECREATIONAL AND COMMERCIAL FISHING GROUPS ALSO DONATED COUNTLESS TIME AND ENERGY TO ACHIEVING A REASONABLE SOLUTION, AND I AM PLEASED TO SEE THAT SOME OF THEM WILL BE ABLE TO DISCUSS THE RESULTS HERE WITH THE COMMITTEE.

WE ALSO NEEDED TO ENSURE THE MAXIMUM COORDINATION AND COOPERATION AMONG THE FEDERAL GOVERNMENT MEMBERS OF THE U.S. NEGOTIATING TEAM. THE HELP OF THE DEPARTMENTS OF INTERIOR AND COMMERCE WAS INVALUABLE, BOTH IN THE NEGOTIATIONS THEMSELVES AND IN RESOLVING SEVERAL IMPORTANT ANCILLARY ISSUES. DEPUTY UNDERSECRETARY OF INTERIOR BILL HORN AND THE DEPUTY SOLICITOR, MS. MARY WALKER, TOGETHER WITH MR. HANK BEASELY OF THE NATIONAL MARINE FISHERIES SERVICE AND MS. JOY YANAGIDA AND MR. DAVE COLSON OF THE STATE DEPARTMENT'S LEGAL ADVISOR'S OFFICE ALL WORKED VERY HARD AND PLAYED SIGNIFICANT ROLES IN THE OUTCOME.

IN ADDITION, AS THE U.S.- CANADA NEGOTIATIONS APPROACHED A CONCLUSION LATE LAST YEAR, WE TRIED TO KEEP IN CLOSE TOUCH WITH

THE SENATORS AND MEMBERS OF THE HOUSE FROM THE REGION AND ENSURE THAT EACH WAS ADEQUATELY INFORMED ON AN ISSUE WE KNEW CONCERNED THEM VERY MUCH.

FINALLY, MR. CHAIRMAN, I WANT TO THANK YOU AND MEMBERS OF THE COMMITTEE AND OTHERS IN THE CONGRESS WHO HAVE BEEN SO HELPFUL IN ARRANGING FOR PROMPT CONSIDERATION OF THIS TREATY AND THE RELATED IMPLEMENTING LEGISLATION. IF ALL THE PIECES FALL INTO PLACE, THIS PACIFIC SALMON TREATY WILL SERVE AS A CENTERPIECE DURING THE PRESIDENT'S TRIP TO CANADA IN MID-MARCH AND AS A PRIME EXAMPLE OF THE PRACTICAL PROGRESS THE UNITED STATES AND CANADA CAN ACHIEVE IN AN ATMOSPHERE OF MUTUAL CONFIDENCE AND UNDERSTANDING.

WITH THAT I WOULD LIKE TO REQUEST THAT MR. KRONMILLER BE GIVEN AN OPPORTUNITY TO OFFER HIS DETAILED TESTIMONY ON THE TREATY.

Senator MURKOWSKI. Thank you, Mr. Derwinski.
Mr. Kronmiller, please proceed.

STATEMENT OF HON. THEODORE G. KRONMILLER, CHIEF U.S. NEGOTIATOR, PACIFIC SALMON TREATY

Mr. KRONMILLER. Thank you, Mr. Chairman. I appreciate the kind remarks of yourself and Senator Evans. With your permission, I will summarize my testimony in support of the treaty and submit the full text for the record.

Senator MURKOWSKI. It will be entered in the record.

Mr. KRONMILLER. I join Counselor Derwinski for thanking the committee for prompt consideration of this treaty. In particular, I would also like to express the thanks of the U.S. delegation and the administration for the role that you and your colleagues played in reigniting these negotiations when they had broken down. I suspect that without that intevention we would not be here with a treaty today.

Mr. Chairman, international cooperation is, indeed, essential to effective salmon conservation, and this treaty is not merely the best, it is the only way to assure that the United States and Canada work together to halt the decline of important stocks and to provide for their orderly rebuilding. The treaty also establishes a firm basis for needed research and enhancement and for a fair allocation of the harvest. Nevertheless, many important domestic issues presented by salmon management cannot be fully addressed by the treaty. Implementing legislation must resolve the majority of those matters. Moreover, litigation involving accounting for certain Alaskan harvests must be settled.

Because of the domestic political balance that must be struck across the full range of issues, the treaty and the implementing legislation, both adopted by consensus of the U.S. delegation and the litigation settlement, agreed among all affected parties, must enter into effect contemporaneously and without substantive change, minor fiscal matters aside.

Due principally to the superb contributions of Counselor Derwinski, his disclaimer to the contrary notwithstanding, I am pleased to report to the committee that this goal can be achieved.

Mr. Chairman, the treaty is fully described in my prepared statement and in a formal report by the Department of State. I will at this time only touch upon certain key points.

The treaty provides for the establishment of a joint commission, where decisions are to be taken by agreement of the United States and Canadian sections. The commission is to be guided by two main principles, as has been noted in previous remarks—first, to provide for optimum productivity of the resource; and, second, to provide to each party benefits equivalent to its salmon production, the so-called equity principle.

Reduction of interceptions and the minimization of adverse economic impacts upon established fisheries, as well as variations in abundance, are important matters for consideration by the commission. It must be emphasized that the equity principle involves complex and controversial calculations and is dependent upon data

that at this time is certainly less than adequate. Therefore, equity cannot be expected to be achieved in the near term.

I would now like to turn to the specific fishery regimes set out in the annexes to the treaty. With respect to chinook, the treaty assures a rebuilding in a reasonable period of time, though perhaps not as quickly as some people would have liked, while avoiding Draconian fishing limits that would impose needlessly severe hardships on the U.S. fishermen. The Fraser River annex provides long-term stability at reasonable catch levels to those U.S. fishermen who have an important economic stake in those fisheries. According to the National Marine Fisheries Service, the 8-year average catch provided the United States by the annex exceeds average levels in any previous 8-year period.

The transboundary river regime protects historic U.S. fisheries of economic importance to Alaskan communities, and recognizes that there are two nations of origin for many salmon stocks in the transboundary rivers and that, therefore, the benefits of the equity principle should accrue to both nations.

The northern boundary area regime seeks to manage interceptions in a manner that does not preclude each nation from harvesting its own stocks, where Canadian and U.S. salmon are heavily intermingled.

The southern coho annex imposes important new restrictions on Canadian interceptions of United States origin southern coho.

The chum annex provides a basis for needed research and joint management plans.

Turning now to the Yukon River, several points should be made. The Yukon is excluded from the institutional structure of this treaty. Moreover, that river is also excluded from the application of the equity principle. Fisheries on this distant river are subject to a separate and continuing negotiation.

Indian treaty rights are an important component of salmon fisheries in the Pacific Northwest. The treaty expressly reserves the rights of treaty Indian tribes and permits full participation of those tribes in the management of the resource.

Mr. Chairman, in conclusion, it is fair to observe that nothing so ambitious as this treaty has ever been undertaken before in U.S. bilaterial fishery relations. Moreover, to ensure early entry into force and operation of the treaty, an enormous effort is required by the administration, Congress, the States, and the tribes during the next several weeks.

Constitutional processes must, of course, be completed. Commissioners and representatives of the three panels will have to be selected and appointed. Technical committees will have to develop information and recommendations. And, importantly, enhancement and research programs will have to be supplemented to ensure that conservation and allocations can accommodate all interests.

With these tasks accomplished, with a continuing commitment of the Federal Government, the States, the treaty Indian tribes, and the fishermen to the success of this enterprise, and with the cooperation of Canada, effective conservation, fair allocation, and increased enhancement of the valuable Pacific salmon stocks will be assured.

Thank you.

[Mr. Kronmiller's prepared statement follows:]

STATEMENT BY HONORABLE THEODORE G. KRONMILLER
BEFORE THE SENATE COMMITTEE ON
FOREIGN RELATIONS

February 22, 1985

Mr. Chairman:

It is a privilege to appear before the Committee to testify on behalf of the Administration on the Treaty between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, including Annexes and a Memorandum of Understanding. It was my honor to lead the United States Delegation for the past two years. This Treaty, signed by the United States and Canada at Ottawa on January 28, 1985, will enable our two countries to conserve the salmon resource, to rebuild depressed stocks, to increase enhancement, to improve research, and to allocate the harvests fairly.

International cooperation is essential to the effective management of Pacific salmon. Conservation of salmon stocks that migrate across state, tribal, and national boundaries requires close coordination among all management entities. In the absence of cooperation, not only is conservation impossible, but also enhancement opportunities must be foregone, research is frustrated, and fair allocations cannot be achieved. The Treaty, with the implementing legislation, and the settlement of related litigation, will resolve these difficulties.

Achieving the Treaty, the legislation, and the settlement was extremely difficult. Despite a fundamental mutuality of interest between the United States and Canada in conservation and management of Pacific salmon, agreement on a treaty could not be achieved for fifteen years. Throughout that period, fishermen on both sides of the border suffered, as many stocks declined, allocations were distorted, and enhancement and research were limited.

On the U.S. side, the diversity of interests compounded complex bilateral issues. A balance had to be struck among those interests across the full range of questions facing the two national governments.

The United States Government was determined to respond fairly to the concerns of every domestic management entity and user group. Consequently, virtually every negotiating position tendered on behalf of the United States was deliberated by the entire U.S. Delegation and was approved by consensus of its members. This process taxed the energies of the Delegation, but ensured the fairest possible accommodation of affected interests. The Delegation deserves high praise for its commitment to achieving a result that neither unfairly advantaged, nor unfairly disadvantaged, any group. Counselor Derwinski, who represented the Secretary of State, and acted as a conciliator in the Delegation and as the principal political link to the Canadian Government, deserves special thanks. His contribution was

critical to our success. In the end, Canada was able to accept a treaty that won the endorsement of all segments of the U.S. Delegation.

It must be emphasized, however, that the Treaty is only one of three products of a broader domestic negotiation. The second is the implementing legislation, and the third is the settlement of certain accounting issues between treaty Indian tribes and the State of Alaska. By its very nature, any international treaty is not intended to resolve all domestic issues. This Treaty, with its many, complex, management facets, leaves an array of internal issues to be resolved by other devices. Implementing legislation must address the fundamental question of allocation of resources and responsibilities among the interested federal agencies, states, treaty Indian tribes, and commercial and recreational fishermen. Settlement of the "All Citizens" lawsuit is essential to the resolution of the accounting issue as it relates to certain Alaskan chinook harvests. Because of the important relationships between these three matters, the U.S. Delegation agreed that the Treaty, the legislation, and the settlement should all become effective contemporaneously. I am pleased to report that we are in a position to meet that goal.

I will discuss only briefly the operation of the Treaty, including the so-called equity principle, and the various fishery regimes established by the treaty. A more elaborate description is contained in the report of the Department of State on the

Treaty, a report which was reviewed and approved by the United States Delegation.

The Treaty establishes a bilateral Commission to manage "intercepting" salmon fisheries, that is, the fisheries of one nation that harvest fish which spawn in the waters of the other. Three regional Panels are to provide technical and regulatory advice and assistance to the Commission and the Parties.

The Treaty also establishes initial fishery management regimes, which prescribe agreed measures for conservation, allocation, enhancement, and research. The regimes annexed to the Treaty address:

- transboundary rivers;
- the northern boundary area;
- chinook salmon;
- Fraser River sockeye and pink salmon;
- southern coho; and
- southern chum.

STRUCTURE

The Commission is the principal decision-making body to be established under the Treaty. The Commission is to have a Canadian section and a United States section. The approval of both will be required for Commission recommendations and decisions. Each section will be composed of up to four

Commissioners and a like number of alternates. Each Party will pay for half of the joint expenses of the Commission, and for the expenses of its own section. The Commission will receive conservation and management information and recommendations from Panels established by annexes to the Treaty, including the Northern, Southern, and Fraser River Panels. The Panels will consider information from the Parties and from the Joint Technical Committees established pursuant to Annex IV. The Parties will receive recommendations for fishery regimes from the Commission. Each Party will promulgate and enforce regulations to implement the agreed regimes. In the case of the fisheries for Fraser River sockeye and pink salmon, in-season regulatory authority will be exercised by the Fraser River Panel.

THE EQUITY PRINCIPLE

Two main principles govern the Treaty. As set out in Article III(1), they are to conduct fisheries and enhancement programs to prevent overfishing and provide for optimum production, and to "provide for each Party to receive benefits equivalent to the production of salmon originating in its waters"--the equity principle. The Parties harbor no illusions that the equity principle will be simple to quantify. In adopting this provision, the Parties, by Memorandum of Understanding to the Treaty, expressly recognize that levels of interceptions will vary annually and over time, that data on the extent of interceptions in some areas are imprecise, and that it

would not be immediately possible to determine with certainty the total production of salmon from the rivers of each country. The Parties also recognize that methods differ for evaluating benefits accruing within each country. For these reasons, the Parties anticipate that it would be some time before the Commission could discern that a trend had developed, and ascertain the value of benefits due each Party under Article III(1)(b).

The Commission will have the complex task of developing programs to address any inequity and provide for any appropriate adjustment to implement the provisions of Article III(1)(b). The Treaty establishes three precepts that are to guide the Parties in their implementation of the principles of conservation and equity. Initially, Article III(3)(a) requires the Commission, when considering equity adjustments, to recognize the desirability of reducing interceptions. This precept recognizes that excessively high interception rates may result in conservation problems and reduce incentives to enhance resource production. However, such reductions cannot be mandated in all cases, because they will not always be fair or feasible. In the northern boundary area, for example, since stocks are of both Canadian and United States origin and cannot be segregated, the United States fishery targeted on United States-origin salmon must involve an incidental catch Canadian-origin sockeye. Similarly, the Canadian fishery for Canadian-origin sockeye and pink salmon intercepts substantial numbers of U.S. pink salmon.

A reduction in interception levels would preclude a Party from targeting on its own stocks. Plainly, this would be contrary to the Parties' objective.

Therefore, to balance the concern with reducing interceptions, Article III(3)(b) further instructs the Commission to consider a second important concept: the desirability of avoiding undue disruption of existing fisheries. This protects several United States fisheries from undue social or economic dislocation as a result of equity adjustments. In the northern boundary area, the example cited historic United States fisheries targeting on United States stocks could not be shut down in order to reduce interceptions. In the case of the Fraser River, a fishery developed and managed jointly by the Parties since the 1930's, Canada affirms that it has no intention of closing down a historic United States fishery. Article III(3)(b) provides these fisheries an assurance that the Commission will seek to avoid the social and economic dislocations of major adjustments.

Finally, Article III(3)(c) exhorts the Commission, when performing equity calculations, to note that seasonal variations in stocks are anticipated, and therefore it is necessary to view equity over the long term, based upon demonstrable trends, rather than on short-term fluctuations.

The United States section of the Commission has the responsibility for developing proposals to correct equity imbalances determined to favor the United States. Imbalances

should be addressed where possible through enhancement programs, rather than through adjusting established fisheries. It must be emphasized that equity in allocations is a national obligation and must be dealt with on the national, not regional, level.

CHINOOK FISHERY

The severe decline in many naturally spawning chinook stocks was one of the principal driving forces behind the negotiation of the Treaty. The chinook resource that is the subject of this Treaty migrates from the Washington and Oregon coasts into and through Canada and Alaska. Restraints on Canadian and United States fishermen are required in order to permit rebuilding of the depressed stocks. Annex IV provides for a sharing of the burden of restrictions, while avoiding or mitigating economic dislocation.

The Annex provides for chinook harvest ceilings for 1985 and 1986 for particular areas, as follows:

For the United States:	
Southeast Alaska (all gear)	263,000
For Canada:	
Northern and Central British Columbia (all gear)	263,000
West Coast of Vancouver Island (troll)	360,000
Strait of Georgia (sport and troll)	275,000

The Commission is to establish the ceilings necessary to meet the rebuilding schedule set out Annex IV, Chapter 3. At the end of the rebuilding, by 1998, the Commission is to set ceilings that maintain optimum productivity and provide for fair internal allocations. The Parties are to share the benefits of coastwide rebuilding and enhancement, consistent with such internal allocation determinations and with the provisions of the Treaty. For the United States, pursuant to a stipulation between Alaska, Oregon, Washington, and certain treaty Indian tribes, domestic allocations will be determined by votes of the U.S. section of the Commission.

THE FRASER RIVER REGIME

Currently, the Fraser River Sockeye and pink Salmon fisheries are governed by the Convention for the Protection, Preservation, and Extension of the Salmon Fishery of the River System, signed at Washington May 26, 1930, entered into force July 28, 1937, as amended (Fraser River Convention). The Convention will be superseded by the new Treaty. Under the Pacific Salmon Treaty, the Fraser River Panel will participate directly in the pre-season and in-season management of the fishery.

The new regime differs from the Fraser River Convention in two significant ways. First, the Fraser River Convention governs sockeye and pink fisheries only in a specified area. Thus, agreed harvest ceilings and allocations can be defeated by

permitting fisheries to be prosecuted outside the agreement area. Under the Pacific Salmon Treaty, the Parties must apply harvest ceilings and management measures to the entire Fraser River sockeye and pink fisheries (although Fraser River Panel management measures apply only in the agreement area).

Second, U.S. treaty Indian tribes are to participate directly in setting the policy and management objectives of the new Fraser River regime. Those tribes are to be represented not only by a voting member of the U.S. section of the Commission, but also by a representative on the Fraser River Panel. Direct tribal participation in the Treaty will contribute to sound management, and will ensure that regulations are consistent with established United States treaty Indian rights and domestic allocation objectives.

In 1989, the Commission may begin to consider adjusting allocations to implement the equity principle of Article III (1)(b), if that proves necessary and appropriate. Annex IV, Chapter 4 prescribes two successive four-year regimes for the Fraser River. The first four-year regime, 1985-88, provides the United States the following sockeye catch levels (based on preliminary expectations of run size): 1985, 1.78 million; 1986, 3.00 million; 1987, 1.06 million; and 1988, 1.16 million. These levels may be adjusted to increase or decrease, based on agreed changes in estimated run sizes. In the second four-year regime, 1989-92, the United States is entitled to a total of 7 million

sockeye, or an annual average of 1.75 million sockeye. Throughout both regimes, the United States is entitled to 3.6 million pink salmon for each applicable year. The eight-year average harvests of sockeye and pink salmon provided to the United States under the Treaty exceed catch levels for any eight-year period throughout the history of the Fraser River Convention.

When the regimes are concluded, allocations will be determined by the Commission and the Parties.

TRANSBOUNDARY RIVER REGIME

Article VII establishes two special provisions for relevant salmon stocks spawning in the Canadian portions of certain transboundary rivers, the Taku, Stikine, and Alsek. First, spawning escapements for these stocks are to be established initially by the appropriate Panel, which is to forward them through the Commission to the Parties. Second, enhancement is intended to be cooperative or, if unilateral, then with the approval of the Commission. In recognition of its unique status, the Columbia River is given special treatment in Annex IV, Chapter 1. The Yukon River is wholly exempt from this regime by Article VIII and the Memorandum of Understanding to the Treaty.

Specific management regimes for these rivers are established in Annex IV, Chapter 1. That Chapter closely limits Canadian harvest of the salmon on these rivers for 1985 and

1986. On the Stikine River, Canada is limited to annual harvest of 35% of the total allowable catch (TAC) of Canadian Stikine River sockeye or 10,000 such sockeye, whichever is greater, and 2,000 coho. In future years, the U.S. would have this limit apply to 35% of the TAC for Canadian Stikhine River sockeye for areas 106 and 108, and the Canadian portion of the river. On the Taku River, Canada is permitted 15% of the TAC of Canadian sockeye.

These limitations were established to protect the United States fishermen who for over a hundred years have fished the salmon on these rivers. Canadian fishermen, on the other hand, are relative newcomers to these fisheries. The limitations also reflect the reality that, only through new enhancement, can the Parties provide for long-term, viable fisheries in Canada.

It is particularly important to note that a provision of the Memorandum of Understanding establishes that, within one year of entry into force of the Treaty, the Parties will determine what portion of Canadian-spawned salmon will be deemed to be of U.S. origin. This approach recognizes that salmon in transboundary rivers are not subject to the same accounting mechanism as are salmon in other rivers. The reason is that there are, in effect, two states of origin for salmon in transboundary rivers. Both nations must bear the burdens of river management to protect the stocks, so both nations should share the equity benefits.

THE NORTHERN BOUNDARY AREA

Annex IV, Chapter 2 establishes a regime for fisheries in the boundary area between northern British Columbia and southeastern Alaska, near the United States-Canadian maritime boundary in Dixon Entrance. The Parties are committed to management measures designed to manage interceptions in these mixed origin and extremely volatile fisheries, without significantly affecting each country's ability to harvest its own stocks. In such fisheries, any limitation on interceptions may limit the ability of either U.S. or Canadian fishermen to harvest their own country's salmon. For its part, the United States is committed to ensuring that our fishermen continue to fully harvest available U.S. stocks in this area.

SOUTHERN COHO

The United States and Canada recognize that improved management and conservation measures must be developed for coho salmon harvested by fisheries in Washington and southern British Columbia. In Annex IV, Chapters 4 and 5, the Parties agree to limit annual Canadian harvests off the west coast of Vancouver Island to 1.75 million coho for 1985 and 1986. There is a compensatory adjustment in the U.S. catches of Fraser River sockeye.

In addition, in Chapter 5, the Parties agree to reciprocal extensions for 1985 of recent management actions. A Joint Coho Technical Committee is to be established to develop information

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on stock status and productivity, in order to guide development of future management regimes.

CHUM SALMON

Annex IV, Chapter 6 on chum is intended to institutionalize the Parties' commitment to intensify chum research and develop joint management plans. A Joint Chum Technical Committee is to be established to develop specific management measures for the 1985 season and thereafter.

THE YUKON RIVER

As noted earlier, Article VIII recognizes that the Yukon is unique among the transboundary rivers. The distant stocks on this geographically remote river are subject, in part, to another treaty regime between the Parties and Japan. Accordingly, the Parties provide that the equity provisions of Article III (1)(b), and the special provisions for transboundary rivers are not applicable to the Yukon. Additionally, recognizing that the Yukon River interests are not provided any representation on the Commission and the Panels, the Treaty provides for a separate organizational structure to deal with Yukon River issues. Consequently, these issues will not be subject to the Commission's jurisdiction.

The Parties agree, inter alia, to account for United States harvests of salmon originating in the Canadian section of the river. The Parties are not precluded from adopting the approach

identified in the Memorandum of Understanding, which is to consider the percentage of the TAC of Canadian-bound salmon deemed to be of United States origin. In making these determinations, the United States anticipates full participation by Yukon user groups and political constituencies, who did not take part directly in the Pacific Salmon Treaty negotiations.

INDIAN RIGHTS

Article XI affirms, inter alia, that the Treaty is not intended and should not be interpreted to modify Indian treaty rights. This Treaty is intended to create a forum that will enable treaty Indian tribes to secure effective implementation of their preexisting treaty rights and obligations.

CONCLUSION

Nothing so ambitious as this treaty has ever been undertaken in U.S. international fishery relations. To ensure early entry into force and operation of the Treaty, an enormous effort by the Administration, Congress, the States, and the tribes will be required in the next several weeks. Constitutional processes will have to be completed. Commissioners and representatives for three Panels will have to be selected and appointed. Technical Committees will have to develop information and recommendations. The Treaty organs will have to be organized and funded; for this purpose a supplemental appropriation for the State Department will be required.

The Treaty also envisages enhancement programs to ensure that conservation and allocation schemes can accommodate all interests. With these tasks accomplished, with a continuing commitment of the Federal Government, the States, the treaty Indian tribes, and the fishermen to the success of this enterprise, and with the cooperation of Canada, effective conservation and fair allocation of the valuable Pacific salmon stocks will be assured.

Thank you.

Senator MURKOWSKI. Thank you very much, Mr. Kronmiller.

Mr. Derwinski, in response to your statement with regard to the prompt consideration of the treaty, I assure you that as chairman I will do everything that I can to see that it is expedited in time for the meeting in Quebec which is scheduled for mid-March, to my understanding, and I will be anxious to work with you and Mr. Kronmiller in any manner I can to ensure that that expeditious process and time schedule is maintained.

I have a few questions of Mr. Derwinski, and then I will call on Senator Evans, and then we will address our questions to Mr. Kronmiller.

I was just curious to know, since you and Mr. Sharp were more or less the superchargers that came into the negotiations when negotiations broke down, how often did you and Mr. Sharp have to get together and get everybody back on the same wavelength or get them together for a cup of tea or whatever method you might have used?

Mr. DERWINSKI. Well, first we did not have anything stronger than tea, but we did meet on four or five occasions in Ottawa and Washington. Then we were both in Vancouver during the 2-week period when the final negotiations took place.

I would have to emphasize that what happened, of course, was that Ted here, representing the United States as the chief negotiator, and Garnett Jones, who was his Canadian counterpart, the real burden was on their shoulders and Mr. Sharp and I were just there as quarterbacks and occasion advisers. But the coordination was so excellent within the U.S. delegation, all the factions, that frankly those last 2 weeks in Vancouver we were left with nothing more to do than keep the process moving.

But the Canadian Government was interested in meeting their responsibilities. As you know, Senator, they had just had their election. There was that I guess you would call it honeymoon period politically. The new Minister of Fisheries of Canada, Mr. Fraser, is a British Columbia resident fully aware of the importance of obtaining a treaty. So the atmosphere was right, and we therefore were able to take advantage of it.

Senator MURKOWSKI. Let me ask you about the enhancement program that is covered in the treaty. The United States supports the treaty for many reasons, one of which is it gives us assurance that the enhancement efforts will benefit our country.

My question to you is a little more difficult than the first one, but specifically does the administration support enhancement efforts in that regard?

Mr. DERWINSKI. Completely so. As a matter of fact, I consider it a moral obligation under the treaty.

Senator MURKOWSKI. Would you imply, therefore, that the adminiinistration would support some Federal funding for enhancement?

Mr. DERWINSKI. I see during the years to come no reason why we would not have the very logical support of the administration for the necessary funding for enhancement procedures.

Senator MURKOWSKI. Thank you for your definitive statement.

Mr. DERWINSKI. Well, I appreciate the fact that there is a little entity called OMB that we all must wrestle with, but the treaty

has the full support of Secretary Shultz. He often reminds me that he was once a Director of the OMB. His loyalties now run to the goals that we want to achieve in foreign policy and this has been a major objective and has our full suppport.

Senator MURKOWSKI. You know that Mr. Stockman has been known to fish in Alaska.

Mr. DERWINSKI. I was not aware of that. I have read an awful lot about him, but I did not know about that little part of his life.

Senator MURKOWSKI. Well, that is true. I have not fished alongside him, but I have been in the same vicinity and maybe we ought to do a little lobbying on the appropriateness of enhancement and the effectiveness of some assistance.

I thank you very much, Mr. Derwinski. I think your contribution to this treaty is truly historic.

I would like to call on my good friend, Senator Dan Evans, at this time for questions to Mr. Derwinski.

Senator EVANS. May I suggest, Mr. Chairman, that we let Mr. Stockman fish in the State of Washington a few times. The frustration from the lack of fish will make him significantly more interested in enhancement than if he fished Alaskan waters, where the fishing is pretty good. [Laughter.]

Senator MURKOWSKI. I would agree to that.

Senator EVANS. Mr. Derwinski, let me get a little more particular in this question of enhancement because I share the chairman's concern about it as an integral part of the treaty. It is fine to sign a treaty. It is an historic occasion. But, as I pointed out in my opening statement, that is only the beginning.

We have now the real task of carrying out the treaty and translating the important paper into more fish, and that does require enhancement. It does require research. And there are some particular provisions of the treaty that speak to those elements.

I am very much aware, as you are, of the problems of OMB, but I guess fundamentally I still believe that the administration runs OMB and that OMB does not run the administration.

Do you expect that there will be more specific enhancement and research funding requests coming from the administration, particularly prior to the time that this committee might act on the treaty and it might be forwarded to the President for ratification?

Mr. DERWINSKI. Well, first, Senator, as you know, the equity principle requires that we develop a comprehensive plan on stock composition and the statistics, the research that is necessary. We have some preliminary estimates from the Commerce Department that, for example, the research cost in 1986 they estimate at over $3 million.

And that, of course, is just the kickoff of the treaty. We honestly think that given—call it the technical expertise that exists in the area, given the longstanding interest that people have in the enhancement responsibility that we will be able to more than justify any request for funding of the research and enhancement programs.

And, as I say, as far as I could see, no one would quarrel with the obligation that the treaty imposes, and we have to meet that obligation.

Senator EVANS. I think the line of questioning of both the chairman and myself revolves around some concerns which do not have anything to do with the treaty negotiations, except that it has been a consistent position of OMB and presumably the administration over last few years that the Federal Government withdraw from some of its participation in the so-called Mitchell Act hatcheries on the Columbia River, which are part of the continuing enhancement program of that river system.

So it seems to me that we not only have to seek additional resources but stop from going the other direction. And that is why I am concerned. Frankly I would be enthusiastic about receiving any indication and some particulars on the enhancement, recognizing that not all enhancement should be the responsibility of the Federal Government.

There is a very large fish enhancement program that comes as part of our Pacific Northwest Power Act and will be paid for essentially by the ratepayers of the Northwest. The States of the Northwest and Alaska will continue their efforts. But it seems to me that this is an international effort.

We are just about to consent to a treaty and I am still curious about to what extent we might find a continuing and consistent approach on the enhancement side. On research, I am reasonably satisfied that that is a relatively small amount of money, but very important. The enhancement might be a lot more.

Mr. DERWINSKI. I have no doubt that we will meet the obligations and requirements, and in fact this was a matter of considerable discussion while we were negotiating the provisions of the treaty.

Keeping in mind any time that there is no precise commitment in dollars that we were able to make, we did commit in principle to support the necessary enhancement investment. In fact, the long-term goal of this treaty is to provide through enhancement procedures a situation where all the fishing interests of the Pacific will benefit from greater salmon stocks.

And it seems to me that the obligation is so clear and that cost will be relatively small compared to other expenditures of the Government that I personally have no doubt as to the fact that we will meet all the obligations expected of us.

Senator EVANS. Perhaps you would not have any specific knowledge at this point, but it would be very interesting for me, and I think for the committee, to know. Perhaps you could forward to us an opinion as to whether this responsibility for sharing in the enhancement will mean that the administration now will continue to support the maintenance and operation of the Mitchell Act hatcheries just as a sort of fundamental element. If we do not do that, we are going in the wrong direction and that does not even count, going in an enhanced direction.

Mr. DERWINSKI. Mr. Kronmiller has worked on that subject.

Mr. KRONMILLER. Senator, let me make a couple of general remarks. In the near term, enhancement will be absolutely vital to addressing the effects of conservation upon fishermen in many areas. That is to say, with cutbacks that are to conserve naturally spawning stocks, in order to mitigate the adverse economic effects,

it will be important to enhance stocks. We need to put more fish into those streams for our fishermen.

The second point is that, in the long term, we must address the issue of equity. If the United States should find itself in a deficit position vis-a-vis Canada, we are going to have to make it up somehow to Canada. It appears to us that enhancement is by far the preferable method of responding to any equity deficit, rather than to providing Canada with fish taken out of the nets and off the lines of U.S. fishermen.

So as a policy matter, I think enhancement makes a great deal of sense. As a legal matter, I think it is required. I would hope and expect that the administration would be quite forthcoming in this area.

Senator EVANS. Thank you, Mr. Chairman.

Senator MURKOWSKI. Thank you, Senator Evans.

We have been joined by Senator Alan Cranston of California. As you know, we have a common interest in the Pacific salmon, which extends down to your boundaries, and we welcome you to the committee as a member of the Foreign Relations Committee, of course, and would ask if you wish to make any statement. We have had two witnesses make their statements in their entirety and we are just in the questioning at this time.

Senator Cranston.

Senator CRANSTON. Thank you very much, Mr. Chairman.

I do not have any questions. We do indeed have great interest in salmon in California. I trust that we can deal with all of the problems relevant to that effectively, and I am delighted to welcome you both, particularly you, Mr. Derwinski, with whom I have worked over many years on many matters. I am sure you will solve any problems we have on this front.

Mr. DERWINSKI. Thank you.

Senator CRANSTON. Thank you.

Senator MURKOWSKI. Thank you very much, Senator Cranston.

The very fact that the process has been before us for about 15 years of extensive deliberations and somehow through the efforts of Mr. Derwinski and Mr. Kronmiller why it has come to an apparent meeting of the minds is significant of the contribution of these gentlemen. I do not know what their tasks are after they are finished with this, but there appears to be a place for them somewhere.

It was suggested that we send you to Geneva.

Mr. DERWINSKI. They have enough of a crowd there, including half of the Senate, I understand.

Senator MURKOWSKI. Well, there is going to be fair representation.

We are going to move over again on the enhancement question, and this time the questions are primarily directed to Mr. Kronmiller, so we will leave Mr. Derwinski some time to relax.

The question of the equity principle is one that we have been very concerned with in Alaska because we are interested in knowing how the benefits equate to the salmon produced in the respective streams of the various areas. We are, in the State of Alaska, undertaking a pretty comprehensive enhancement program, and the question of how this equity principle is applicable based on a

recognition of what is produced is something that we know is going to require a lot of research.

I wonder if you could specifically indicate how much time is necessary for implementation of the equity principle. I recognize it is going to take some time.

Mr. KRONMILLER. Yes, Senator, it will indeed take a good deal of time. As I mentioned, we have a tremendous lack of vitally important data that would be required to begin to approach any sort of calculation of the relative contributions to production by the United States and Canada.

Without knowing what those contributions are, without understanding what each country is providing to the fisheries, it is impossible to begin to address in any sensible way the question of equity. If we are going, however, to proceed—and indeed under the treaty we must—with addressing the equity question, then we are going to have to carry out extensive research in areas such as stock composition, migration patterns, harvest statistics, economic values, social considerations, and various other matters, to which I might add historic dependence of a number of communities on these various stocks of fish.

So the research burden is very substantial and it must in fact be carried, if there is going to be a good faith effort on the United States side and, I might say, on the Canadian side, to meeting this obligation to assuring that there is equity in the fisheries.

Senator MURKOWSKI. You are satisfied from your negotiations with the Canadians that the Canadians are prepared to meet with funds available for research to begin to answer some of these questions that can only be patterned after decisions made on sound analysis?

Mr. KRONMILLER. Senator, I find it difficult to speak precisely to that point. I can say, however, that the United States will be in a position to insist that Canada make that kind of commitment only if we ourselves meet our own commitment.

So I believe strongly that we are going to have to follow through with meaningful research in these areas, and on that basis be prepared to counter any sorts of difficulties that may arise with Canada with regard to their own obligation.

Senator MURKOWSKI. As you know, there are proposals in the current budget to cut down on some of the fisheries research capabilities within Alaska, particularly Auk Bay and others, I think in Kodiak as well.

Do you think this is something that is significant in the research process, or is this a matter that can be picked up by other agencies or done someplace else?

Mr. KRONMILLER. Senator, I think that every agency with any kind of responsibility with respect to research is going to have to be very aggressive about exercising that responsibility, if we are going to meet this obligation. So I would be very concerned about cutbacks of any kind with respect to research relating to Pacific salmon.

Senator MURKOWSKI. Thank you. I have a rather technical question that it was asked that I submit, so I am going to read it.

In the northern boundary areas between southeastern Alaska and Canada and the Dixon Entrance area, salmon stocks from each

country intermingle around the Dixon Entrance/Noyes Island area, and we have had disputes about the boundary in that area which are still unresolved. But in 1983 the U.S. fishermen harvested about 650,000 sockeyes at Noyes Island, and we understand that many of those fish were of Canadian origin, yet U.S. fishermen caught some 17 million salmon of Alaskan origin in the same area.

You may have to refer this question to your biologists, I do not know, but the question specifically is these interceptions are difficult to reduce without cutting back the harvest of U.S.-origin fish. The question specifically: Is this an example of a situation where elimination of the interception is not possible?

Mr. KRONMILLER. Clearly. There is no point in attempting to elaborate much beyond this, Senator, except to say that I can think of no area where stocks from two countries intermingle more dramatically than they do in that area. It is absolutely impossible for each country to harvest in any meaningful way its own stocks of fish, if the harvest is subjected to stringent reductions, indeed any substantial reductions, in the interceptions of the other country's fish.

We were presented with a thorny issue in the negotiations with respect to this particular point, and what we have done is to preserve the historic U.S. fishery. We simply are unprepared to see our own fishery foregone in an effort to address interceptions of Canadian fish.

I might add that the Canadians are also reluctant on their side of the border to agree to reductions of interceptions of U.S. salmon, if that is going to cost Canada access to its own stocks. So we have a reciprocal interest in this area.

Senator MURKOWSKI. Another question is one that I am sure has come up in your negotiations, and that is the question of a vessel buyback concept. My question is, Do you think that has a place ultimately, or is it something whose time has not come?

Mr. KRONMILLER. Senator, the notion of instituting some form of vessel buyback program was discussed over a period of several years in the context of these negotiations. I think that it can be fairly said that the U.S. delegation as a whole agreed that the United States, in undertaking international obligations as a matter of national policy, has a responsibility to find the means of mitigating any adverse effects.

The Federal Government really does have a responsibility in this area. We are serving a national purpose. And in that context, the notion of a vessel buyback was discussed very extensively. I think it is an option that must be considered, because I also feel that it will be difficult to address some of the immediate impacts of the conservation measures that are imposed by this treaty with respect to certain stocks of fish.

It may be that there will be a place for vessel buyback to address those immediate sorts of contingencies.

Senator MURKOWSKI. The last question I have is with regard to the chinook matter, and I gather this is one of the most difficult areas of your treaty negotiating with the different interests and the significance of the cutbacks as proposed.

The annex to the treaty goes into some detail on arrangements for the allocation of chinook for rebuilding through 1998. I gather

that little is mentioned about the chinook in the process of allocating that species among the domestic users and between the United States and Canada after the rebuilding is completed.

Could you explain how both parties felt about the chinook allocation decisions would be based after 1998? I recognize we are way ahead of ourselves as to time here, what was the general agreement on how to divide the harvest after 1998. I think that everybody is hoping the stocks will be rebuilt, and they are interested in how they will be allocated.

Mr. KRONMILLER. I think that is true, Mr. Chairman. The situation we are going to encounter for some period of time is going to be characterized principally by an allocation of poverty, and that is very unfortunate, but it is an absolute necessity, as I have mentioned, if we are ever to rebuild these stocks and begin to regain the wealth of resources that once we had in this area.

I think that after the rebuilding period we will be guided principally by the notions that there will have to be fair internal allocations in the United States, and that is provided for in the treaty annex. There will have to be a coastwide sharing of the benefits of the rebuilding. Those two principles are critical, and I believe strongly that they are going to be respected.

I would note, also, that in the implementing legislation and in the settlement to the so-called "all-citizens" suit involving an accounting of Alaskan harvest in relation to the concerns of the treaty Indian tribes, there are mechanisms provided for dealing with the allocation of the chinook resource following the rebuilding.

So I think we have addressed those matters. I believe that everyone involved feels that his fundamental interests are accommodated.

Senator MURKOWSKI. Thank you.

Senator Evans?

Senator EVANS. Mr. Chairman, let me start by following up a little on this last issue.

Would it be accurate to say that the sharing of benefits in post-1998 would accrue insofar as they could be determined, back to the country or area of enhancement? Is that not one of the fundamental principles, that as you enhance stocks, you have the benefit of the enhancement?

To what degree does that apply to a post-1998 chinook allocation?

Mr. KRONMILLER. Senator Evans, you have touched on perhaps the thorniest issue that remains to confront us as we attempt to implement this treaty.

Senator EVANS. I thought I did.

Mr. KRONMILLER. And I cannot in all candor say that we have fully resolved that matter. There is a great deal of controversy concerning how to weigh the relative contributions of various regions in the United States to rebuilding and to enhancement, and to weigh those contributions against what Canada will have been doing.

It is a very tough calculus, and all I can say is that we do have principles established in the annex, in the legislation, and in the settlement of the all-citizens suit that we think will guide us to a fair and reasonable result. But it simply would not be possible for

me to present to you now any sort of carefully weighed analysis of how each component of this process is going to be considered.

Senator EVANS. I understand. I suppose we should be focusing our view on what we do next year and the year after to get things kicked off in the right direction, and we tend to be focusing on the turn of the century instead.

But is it not true that next year and the year after and in all the intervening years that it is terribly important in carrying out the treaty to determine as best we can the country and area of origin of stocks as they are caught so you can make a proper allocation of the fishing resource?

Now, I understand how difficult that is sometimes, but we do have methods of doing it. I presume that they will be enhanced as time goes on by the research required under the treaty. Perhaps by 1998 we will know a lot more about where the stocks come from and where enhancement truly has occurred.

If in fact that is the case, would it not be a fair assumption that the proper allocation of enhancement is back to areas which have produced the fish?

Mr. KRONMILLER. Senator, I think there would be widespread support for that notion, yes, and I agree that a lot of research is going to have to be done. So as a practical matter that kind of analysis can be made. The only qualification I would like to offer is that there is also a strong feeling among a lot of people involved in these fisheries that they are going to suffer a lot of dislocation during the period of rebuilding, and they would hope that whatever the mix of enhanced fish and rebuilt, naturally spawning fish might be, they will end up with a fair result.

It will be complex, but not beyond our ability to address successfully.

Senator EVANS. That gets back to another followup question on the buyback concept that Senator Murkowski mentioned. It seems to me that we have only had mixed results with the buyback programs that we have engaged in in the past. Too often the boats are bought back by the Government and are back out fishing under some other management within too short a period of time.

Is there really a vessel buyback program that can work or is it necessary to have a certain quota or certain ability to fish?

It seems to me that the buyback program that just takes boats back and substitutes other boats or the same boats that go back out fishing does not do much good. It is really a question of controlling the amount of fishing during that intervening period.

Mr. KRONMILLER. Again, Senator, you have touched on one of those issues that is complex and difficult, and I think no one can fault your observations. If in fact all we are doing is, for example, removing the least efficient of the vessels in the fishery and allowing a number of very efficient vessels to stay in, we are not accomplishing much. If we are substituting vessels, we are not accomplishing much.

I think that if the vessel buyback is to work, we are going to have to find the means of addressing the impacts of specific vessels on these fisheries, that is, that some people are real producers and some people are not, and it does not do any good to remove the people who are not real producers. On the other hand, if you

remove some of them and if you allow others to enter, we are going to increase the impact on the fisheries.

We are going to have to have a very hard look at that, if indeed that kind of program is going to be adopted and implemented.

Senator EVANS. I get the impression—and I do not know if you can comment directly on this—I get the impression that the overall capacity in most fishing areas, given the opportunity and the time to fish, is already far superior to any current or probably even any potential catch out there.

In other words, we are just too darned efficient, or potentially too efficient in our ability to catch with the number of people we have fishing, given sufficient time to fish and sufficient opportunity to make a real or liberal living at fishing.

Mr. KRONMILLER. With respect to virtually every stock subject to this treaty, I would think that is quite so, yes.

Senator EVANS. OK. On the target rebuilding goal for the chinook—1998, of course, is a long time away.

Can you describe what the treaty provisions and the implementing legislation would bring into play if the stocks during the intervening time continued to decline or do not show the signs of rebuilding at the anticipated rates? What would be the action of the treaty in the legislation as proposed, given those circumstances?

Mr. KRONMILLER. Senator, we have an obligation under this treaty to meet a 1998 deadline, and if it appears that the annual regimes that are established are inadequate to meet conservation needs related to the 1998 deadline, we are going to have to be tougher about conservation and reduce the catches or increase enhancement, or both. There does not appear to me to be any flexibility in the treaty in that regard. That goal is set, and it is a matter of a lot of concern to people in this process.

We have done what we think is adequate to meet the 1998 deadline, and if some contingency that is unexpected should arise, we are just going to have to deal with it within the four corners of the obligations we have accepted here.

Senator EVANS. Is there another way also? If you see a falling behind, you can restrict fishing, that is one way. Or we could presumably attempt to intensify enhancement programs to bring the stock back up to snuff.

Mr. KRONMILLER. Yes, Senator, that is true. There is specific provision in the treaty for increasing the catches of chinook salmon, in particular, in relation to demonstrated contributions of enhancement. So one could increase enhancement effort. The only caveat to that is that it takes time to bring the enhanced fish on line.

You cannot in 1 year discover you are having a problem meeting a conservaton target, and the following year have a whole lot of enhanced fish there to make it up. It takes some forward planning, and there are going to be some dislocations, regrettably.

Again, to meet the immediate problem, it is likely there would be a need for some reduction in the fishing.

Senator EVANS I understand.

It is my understanding that there is an agreed exchange of notes concerning the implementation of article 14, paragraph 3—that is the transition of the existing Fraser River Commission to a new

Fraser panel—and the assumption of many of the IPSFC responsibilities by the Canadian Government.

That is pretty important for us, of course, in our interest in and relationship to the Fraser River fisheries. I think it would be useful to have that exchange of notes as part of the committee's record, if that is possible and appropriate.

Mr. KRONMILLER. Senator, I see no difficulty with that.

[The information referred to follows:]

FEBRUARY 1983.

EXCHANGE OF NOTES

I have the honor to refer to the discussions between representatives of our two Governments and to the Treaty between the Government of the United States of America and the Government of Canada concerning Pacific Salmon (the Treaty) and to confirm on behalf of the United States Government the understanding set out below that has been reached between our two Governments concerning the implementation of Article XV, paragraph 3 of the Treaty.

A. Prior to the first anniversary of the date of entry into force of the Treaty:

1. The Fraser River Panel established pursuant to the Treaty shall assume the following responsibilities consistent with the Treaty:

(a) Review and evaluate information provided by the Parties, pursuant to Article IV, paragraph 3, in order to provide recommendations to the Commission for the fishery regime to be included in Annex IV; (b) on adoption by the Parties of the fishery regime, make proposals to the Commission regarding regulations for the harvest of Fraser River sockeye and pink salmon within the Fraser Panel Area (the Area); (c) collect in-season information on catches within the Area; review information on escapements within the Area; collate information provided by the Parties pursuant to subparagraphs D.3 and D.4 for fisheries outside the Area; conduct test fishing on Fraser River sockeye and pink salmon; collect data on upriver escapements by observation at Hell's Gate and through the conduct of a hydroacoustic program at Mission Bridge; and design and conduct studies to identify and discriminate between races of Fraser River sockeye and pink salmon harvested in the fisheries including specification of samples required from upriver sections of the Fraser River and from sites outside the Area; (d) make orders for the adjustment of the fisheries pursuant to article VI, paragraph 6, on the basis of information garnered under subparagraph (c); and (e) provide the Commission, at the end of each fishing season, with an accounting of the catches, wherever made, of Fraser River sockeye and pink salmon and with an appraisal of the extent to which the Panel achieved the objectives set by the Parties.

2. Canada shall assume all responsibilities of the International Pacific Salmon Fisheries Commission (IPSFC) except those responsibilities specified in sub-paragraph 1.

B. The IPSFC will continue to discharge its responsibilities in the interval between the entry into force of the Treaty and, pursuant to paragraph A, the assumption of responsibilities by Canada and the Fraser River Panel.

C. Prior to the fourth anniversary of the entry into force of the Treaty, the Commission shall review the division of responsibilities set out above.

D. Canada and the United States shall provide to the Commission:

(1) The information required by Article IV, paragraph 3; (2) samples required for the racial work referred to in sub-paragraph A.1 (c); (3) information on in-season catches, by time, area, species and gear type, for fisheries outside the Area that harvest sockeye and pink salmon bound for the Fraser River; (4) post-season statistical information regarding Fraser River sockeye and pink salmon catches by time, area, species and gear type; (5) data on spawning escapements for all sockeye and pink stocks which migrate through the Area; and (6) information on any problems identified in achieving national goals resulting from in-season regulation of Area fisheries.

E. The following administrative arrangements shall apply to the transfers of staff from IPSFC:

1. Appropriate members of the existing Fishery Management Divison and of other Divisions of the IPSFC shall be transferred to the Commission so that it shall have the capability to perform the following duties:

(a) The discharge of the responsibilities of the Commission and of the Fraser River Panel as specified, inter alia, in sub-paragraph A1; (b) interpretation of statistical

and biological data and other information referred to in paragraph D; (c) collection and assembly of such data as may be required by the Commission and its Panels; and (d) preparation of such publications as may be decided upon by the Commission.

2. The staff shall be under the direction of the Executive Secretary pursuant to Article II, paragraph 16.

3. The Operations Division shall be transferred to the Department of Fisheries and Oceans (DFO), Canada, to the extent practicable, and shall continue to carry out upriver work on pink and sockeye salmon in coordination with staff of the Commission. While there will be some duplication of work in the spawning areas during this initial period, it is anticipated that the Operations Division will eventually be integrated into DFO's Fraser River Management and Enhancement Operations to streamline upriver operations and to avoid duplication. The close working relationship that now exists at the staff level between the IPSFC Fishery Management Division and Operations Division should be maintained between the Commission staff and the appropriate DFO responsibility centres.

4. The Environment Conservation Division, Biology Division and Engineering Division shall be transferred to DFO and integrated as practicable.

5. The transfers of the Fishery Management Division and the Operations Division of the IPSFC referred to in sub-paragraph 1 and 2 shall occur during the period November to March. The transfer of the Environment Conservation Division, the Biology Division and the Engineering Division referred to in sub-paragraph 4 may occur at any time within the year after the date of entry into force of the Treaty. Officials of the Parties shall consult with each other and with the IPSFC staff to seek agreement on the specific timing of these transfers, taking into account the need for continued sound management of the fishery resource and administrative and budgetary cycles of the two Governments.

F. In order to ensure continuity in the methodology of collection of upriver data required for the management of Fraser River sockeye and pink salmon:

1. Pending the entry into force of the Treaty, DFO staff shall participate in work directed by IPSFC staff on upriver activities, i.e. production system, activities.

2. In the first two years following entry into force of the treaty, former IPSFC staff members whose responsibilities included upriver work and who become employees of DFO, shall participate as practicable in the carrying out of Canada's upriver responsibilities. With respect to upstream spawning escapement work, the advice of the new Commission's staff shall be sought as appropriate.

3. On request of either Party, opportunities shall be provided for technical experts of either Party or the Commission to observe the data collection operations of the Parties related to the activities of the Fraser River Panel.

G. The Parties shall consult with each other and with the IPSFC staff, with a view, inter alia, to offering employment to IPSFC employees with the new Commission, the Fraser River Panel, or within government agencies of the two Parties on terms and conditions comparable, to the extent practicable, with those they enjoy in IPSFC.

H. The IPSFC library in New Westminster, British Columbia, which contains irreplaceable historical records, shall be transferred to the new Commission and shall be readily accessible to the Fraser River Panel, the Commission and others whose professional needs require use of these library facilities. Other IPSFC assets necessary for the work of the Commission and the Fraser River Panel shall be transferred to the Commission.

The remaining assets shall be transferred to Canada.

I. For a term to be agreed upon, the new Commission shall maintain the IPSFC scientific and technical publication series in order to provide for reporting of past scientific work carried out under the auspices of the IPSFC.

I have the honor to propose that if the understanding set out in this Note is acceptable to the Government of Canada, this Note and your reply to that effect, shall constitute an Agreement between the Government of the United States of America and the Government of Canada regarding the implementation of the Treaty and shall enter into force on the date of your reply.

At the end of the third year after entry into force and at any time thereafter, either Party may give notice of its intention to terminate this Agreement. The Agreement shall terminate one year after notification.

I avail myself of this opportunity to renew to you, Sir, the assurance of my highest consideration.

Senator EVANS. One final question. You made a reference to, and we have talked several times about the "all-citizens" suit. Can you

describe as best as you can your understanding of the nature of that settlement, and is it in place?

What is your understanding of where we are?

Mr. KRONMILLER. Senator, with your permission I would like to defer to Mary Walker, Deputy Solicitor of the Department of the Interior. She has been leading this process for some time, and I think she can give us a far more comprehensive and satisfactory answer than I could do.

Ms. WALKER. If I could, I can briefly give you the outlines of what has become an agreement between the Federal Government, the States of Washington, Oregon, and Alaska, and the 24 tribes involved in this legal dispute.

Basically, the settlement that we have achieved is to those issues affecting Alaska and leaves open a resolution of the same dispute or the remaining dispute between the tribes and the States of Washington and Oregon, and the stipulation which has been entered into by all of those parties, as I understand it, is expected to be filed today.

Basically it provides that there will be a North-South allocation, and by South, of course, we mean the lower 48. There will be an allocation between the North and South that will be made annually during the rebuilding period. The obligations of Alaska will be satisfied by their compliance with the treaty, and the decisions of the U.S. section, obviously, under the provisions of the treaty and the mechanisms worked out there.

After the rebuilding period, the U.S. section will be making a North-South allocation annually based on certain listed factors, and I could read those if you wanted or basically just go over them.

Senator EVANS. Just very briefly.

Ms. WALKER. They include contributions by each of the parties to the resource and the cultural, social and economic dependence of each party, the historical participation and obligation of the Indian treaty fishing rights under the Stevens and Palmer treaties and several other factors.

There is also a provision that if the U.S. section cannot agree in any given year on an allocation, there is what is dubbed a no fishing provision. Basically it provides that no party will fish until an allocation is made. And there are certain listed exceptions to that, and specified fairly clearly as to what this covers in terms of the various fishing of each party.

Senator EVANS. Is that no fishing not part of the overall agreements both within the U.S. section and between Canada and the United States if there is disagreement, or is that only in this?

Ms. WALKER. No, as I understand it, this only applies to the stipulation. It is the allocation, domestic allocation between the U.S. internal, between the North and the South, and it only applies to the U.S. faction.

Senator EVANS. Let me just interrupt for a moment.

Ted, if there is disagreement then on other matters that do not directly affect the all-citizens agreement among the U.S. delegation, where I understand you have to have consent, then what happens?

Mr. KRONMILLER. Senator, we have I believe in the implementing legislation and lawsuit settlement deferred to the States and the

tribes and to the fishermen with respect to their concern that they have central control over what occurs in the U.S. section of the commission. It is therefore incumbent upon them to make certain that they do not reach an impasse.

There is a balance of terror in the U.S. section. Any commissioner on the U.S. side, other than the Federal Commissioner may block a decision on the U.S. section and create potentially serious problems in the implementation of this treaty.

Now, there is a mechanism whereby it is possible for the Federal Government to intervene when we are in jeopardy of breaching our treaty obligations, but we would expect that that would be a very unusual sort of circumstance, and there will probably be a number of disagreements that do not relate directly to the meeting of our obligations under the treaty.

We have included in our legislation a mechanism to permit conciliation. The President may also be notified of an impasse. We have tried to provide for input by the Federal Commissioner in the way of conciliatory approaches to dealing with disputes within the U.S. section.

We think that that conciliation approach could prove to be very important, but I would not want to minimize the possibility that we are going to encounter disputes within the U.S. section, as indeed we have encountered disputes within the U.S. delegation.

I would simply hope that having overcome the vast number of disputes during the course of these negotiations, these same fishermen and fisheries managers, will be able to find a way again to meet and overcome problems that inevitably will arise within the U.S. section in the future.

Senator EVANS. But no mechanism to either protect the fish, halt fishing pending agreement or anything of that sort? The alternative is everybody go their own way and catch the last fish?

Mr. KRONMILLER. Senator, I believe that if it were the case, that it would be a risk that the United States or Canada would undertake fishing activities that threatened the conservation of the stocks, we would be in a situation where we would be facing a breach of treaty obligations. In that circumstance, the Federal Government would have a role to play, could intervene, and could preempt.

Again, I want to emphasize that I think this is a very extreme circumstance, and I have noted with a great deal of gratification that the U.S. delegation during the negotiations, when given the opportunity to determine its own destiny without the interference of the Federal Government, took that opportunity, exercised its powers in a responsible manner, and I think that we will encounter the same kind of approach within the U.S. section.

So again, without suggesting to you that there is no risk, I would suggest on the other hand that it is highly probable that we will find a way to settle our problems, as indeed we have been able to do heretofore.

Senator EVANS. Well, I agree with you. The trouble is that most laws and virtually all treaties are written to take care of the extreme situation because if we did not have extreme situations and everybody agreed, we would not need the laws and the treaties in

the first place. So that is why we probably spend more time than we need to on those extreme cases.

What about the parallel situation of a disagreement between the United States and Canadian commissioners when it comes to the yearly management under the treaty? What then happens?

Mr. KRONMILLER. If the disagreement is related to technical matters, there is a dispute settlement mechanism that would be employed. If the dispute is political in nature or goes to matters that are otherwise not technical, then we are in a different kind of context. We are going to have to negotiate a solution and we are going to be bound by the obligations of the treaty to see to it that by our inaction we do not adversely affect the status of those stocks and unfairly affect the harvests in each country.

Lacking a provision for compulsory and binding arbitration or some other approach that forces the parties to come to agreement, an approach that was satisfactory to neither country in the negotiations, we have to rely upon our ability to negotiate in the future the resolution of these sorts of difficulties.

That is the honest answer.

Senator EVANS. On the technical side of it, however, the technical panel procedure, that would actually be a deciding or determinant factor in a decision of that technical panel?

Mr. KRONMILLER. Yes, Senator, that will end that sort of problem.

Senator EVANS. Thank you, Mr. Chairman.

I do not think that we have to go through the other details. I am sorry we got away from the all-citizens suit, but——

Ms. WALKER. That was basically it.

Senator EVANS. Mr. Chairman, I think it was useful, if in fact the stipulation is filed today, as I presume it will be, it seems to me that would be a useful addition to our committee record as well.

Senator MURKOWSKI. I would appreciate that being submitted.

[The information referred to follows:]

JUDGE WALTER E. CRAIG

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

CONFEDERATED TRIBES AND BANDS OF THE YAKIMA INDIAN NATION, et al., Plaintiffs, v. MALCOLM BALDRIGE, et al., Defendants.	NO. 80-342 STIPULATION AND ORDER

This stipulation is entered into by all parties to this proceeding for the purpose of defining a procedure and standards by which the parties agree to determine the allocation of certain chinook salmon resources between fisheries in and off the State of Alaska and fisheries in and off the states of Washington and Oregon.

The parties hereto are the United States, the states of Washington and Oregon, the twenty-four Indian tribes identified on the signature pages hereto whose fishing rights are secured by treaties entered into between the United States and the respective tribes in the mid-1850's (Stevens and Palmer

Treaties), and the State of Alaska. This stipulation is intended to establish a mechanism which will permit the parties to address chinook salmon allocation issues in the cooperative spirit necessary for effective interjurisdictional coordination of management and to avoid the need to litigate the legal and factual issues raised by the parties in this case concerning fisheries in and adjacent to Alaska.

The following represents the full agreement of the parties and the terms by which they will abide for the duration of this stipulation.

I. Purposes. The purposes of this agreement and stipulation are:

A. To promote ratification and effective implementation of the U.S./Canada Pacific Salmon Treaty signed at Ottawa January 28, 1985;

B. To provide, with respect to Alaska chinook fisheries, for satisfaction of United States' obligations, if any, to the tribes under the Stevens and Palmer Treaties;

C. To provide for a resolution of the dispute between Alaska and the other parties as to Alaska's role, if any, in the satisfaction of the United States' obligations under these treaties:

D. To provide for a fair interstate domestic allocation of chinook salmon resources originating in Washington, Oregon and Idaho and migrating to waters in and adjacent to Alaska.

II. Agreed Statements. The parties agree to the following statement of facts relevant to this stipulation:

A. There exist treaties entered into force in the mid-1850's between the United States and certain Pacific Northwest Indian tribes in which the tribes reserve the right to take fish at their usual and accustomed

places.

B. There exists a dispute between Alaska and the other parties concerning whether Alaska has an obligation to limit its harvest of far north migrating salmon stocks.

C. The parties have a common interest in the wise management, enhancement, and fair division of the chinook salmon resources subject to this agreement.

D. A treaty between the United States and Canada concerning Pacific Salmon has been signed which if implemented will be mutually beneficial to all parties.

III. Definitions. The following definitions govern the use of terms in this stipulation:

A. The fish stocks referred to in this stipulation are chinook salmon resources originating in Washington, Oregon and Idaho and migrating in significant numbers to waters in or adjacent to Alaska.

B. The term North/South allocation, as used in this stipulation, means the allocation of the chinook stocks subject to this stipulation between fisheries managed by Alaska and the United States in and adjacent to Alaska on the one hand (collectively "North"), and fisheries managed by Washington, Oregon, the Stevens and Palmer Treaty Tribes and the United States in and adjacent to Washington and Oregon on the other hand (collectively "South").

IV. North/South Allocation. While the U.S.-Canada Pacific Salmon Treaty and this stipulation are in force, obligations of Alaska and the United States for fisheries in or adjacent to Alaska, if any, under the

Stevens and Palmer Treaties concerning North/South allocation of chinook salmon shall be deemed satisfied, provided that this section shall not be construed as modifying or otherwise limiting the remedies of any party to enforce this stipulation pursuant to Paragraph V C, below. The mechanism and standards by which the parties shall determine North/South allocation of chinook salmon stocks subject to this stipulation are:

A. Mechanism. The parties agree that North/South allocation determinations shall be made by the U.S. Section of the Pacific Salmon Commission. Decisions of the U.S. Section of the Commission with respect to North/South allocations shall be made only by unanimous vote of the voting members thereof.

B. Allocation During Rebuilding. During the joint U.S.-Canada chinook rebuilding program, the North/South allocations shall be made by the Pacific Salmon Commission under the terms of the Pacific Salmon Treaty.

C. Allocation After Rebulding is Complete. Following the chinook rebuilding period, the U.S. Section of the Pacific Salmon Commission shall make North/South allocation determinations which shall account for and consider the following:

1. The total cumulative impact of all fisheries' activities upon the stocks subject to this stipulation.

2. The contributions of each party to conserving, rebuilding, and enhancing chinook salmon stocks.

3. The contributions and investments of each party in the resource, including spawning, production, growth and survival of chinook salmon stocks.

4. The cultural, social, and economic dependence of each party on chinook salmon stocks.

5. The history of participation by each party in the chinook fisheries.

6. The establishment of fishery regimes to maintain the stocks at optimum productivity and provide fair internal allocation.

7. A sharing of benefits of coastwide rebuilding and enhancement.

8. The obligation to insure that Indian treaty fishing rights under the Stevens and Palmer Treaties are satisfied.

D. Commission Decisions. The U.S. Section of the Pacific Salmon Commission shall make good faith efforts to insure that decisions made by the Commission are consistent with the provisions of Paragraphs IV B and C, above.

V. Agreement Not to Sue/Dispute Resolution.

A. Each party agrees to be bound by the provisions of Section IV of this stipulation governing allocation, including the unanimous allocation determinations by the voting members of the U.S. Section of the Pacific Salmon Commission regarding the North/South allocations. Except only as provided in Paragraph V C below, each party covenants not to bring any suit arising from, relating to or in any way challenging this stipulation or its implementation, including but not limited to the dispute resolution provision in Paragraph V B, below.

B. This stipulation by the parties shall be given force and effect through the voting members of the U.S. Section beginning at the end of

the chinook rebuilding period specified in Chapter 3, Annex IV of the Pacific Salmon Treaty. In the event the U.S. Section fails to make the determinations required under Paragraph IV C by February 1 of each year or another date set by the U.S. Section, until such determinations are made there shall be no chinook fishery or retention of any chinook caught by any party except: (1) as authorized by the U.S. Section; or (2) as caught incidentally in net fisheries for other species not exceeding the percentage of chinook in the total catch taken in those fisheries in the previous year. The following fisheries, however, are exempted from the fisheries which will close under this paragraph:

(a) all fisheries exclusively for non-commercial tribal ceremonial and subsistence and Alaska traditional subsistence purposes;

(b) Puget Sound (defined as all waters east of the Bonilla Point - Tatoosh head line) commercial net and commercial troll fisheries for chinook in the same locations and with similar characteristics to those which existed in 1984;

(c) fisheries on upriver Columbia River spring chinook;

(d) fisheries south of Cape Falcon, except those which target on far north migrating stocks; and

(e) all fisheries in or adjacent to Alaska west or north of Cape Suckling, except commercial troll fisheries which harvest far north migrating stocks.

For purposes of the allocation determinations required by paragraphs IV A and C of this stipulation and order, the decision of the

treaty Indian commissioner shall be determined by consensus of the four Columbia River treaty Indian tribes and the three Quinault treaty area tribes, in consultation with the Makah Tribe.

In 1995, and every five years thereafter, the U.S. Section shall reevaluate this provision, including the date by which agreement must be reached and the balance of political and fishery equities provided under this paragraph, and shall make such adjustments to the date and the fisheries identified in subparagraphs (a) through (e) above as are appropriate to ensure that decisions may be made with the necessary management information and that the balance of equities necessary to achieve consensus is preserved; provided that no fishery shall be added to or deleted from the exceptions identified in (a) through (e) above unless all parties to this stipulation concur.

C. In the event any party fails or refuses to abide by the fishing regimes developed under Section IV of this stipulation, or, in the event there is no agreement and the fishery closures and restrictions provided under Paragraph V B of this stipulation are imposed and any party conducts a fishery in violation of Paragraph V B, any of the other parties shall have recourse to this court to compel compliance with and enforce the regimes of Section IV and Paragraph V B as provided under this stipulation.

D. In exchange for the parties' agreement to abide by the terms and provisions of this stipulation, each party agrees to support ratification and effective implementation of the Pacific Salmon Treaty.

VI. Terms of Implementation and Termination.

A. The parties stipulate to the execution of this agreement by

its entry as an order of this court.

B. This stipulation shall become effective upon entry into force by the governments of Canada and the United States of the Pacific Salmon Treaty.

C. This agreement shall not affect the extent to and manner in which salmon stocks subject to this agreement are counted and considered in treaty - non-treaty allocations under the cases United States v. Washington, No. 9213 and United States v. Oregon, No. 68-513 (D. Ore.), nor does it affect any party's position in these two cases. The treaty tribes, the United States, and the States of Washington and Oregon, hereby reaffirm and express their firm commitment to negotiate in good faith to settle, by mutual agreement, the management issues and principles in those cases concerning treaty - non-treaty allocations. The parties further recognize that this stipulation and the Pacific Salmon Treaty will provide additional fish to facilitate a resolution of such treaty - non-treaty allocation issues in a manner that is beneficial to each of the parties to United States v. Washington, supra, and United States v. Oregon, supra.

D. This stipulation shall become null and void if the Pacific Salmon Treaty is terminated by either the Government of Canada or the United States, and this order shall be vacated by the court upon submission by any party of evidence of the termination of the Pacific Salmon Treaty.

E. This stipulation and order can be modified or rescinded only in the above captioned case and only by the mutual written consent of all parties.

F. This court retains continuing jurisdiction in this case as to

this stipulation only for the purpose of enforcing this stipulation, and for no other purpose. This order shall not affect the claims in this case that are unrelated to the management of fisheries in or adjacent to Alaska.

G. The Alaska defendants are dismissed from this action without prejudice except for purposes of enforcing this stipulation as provided in Paragraph V C above.

H. Permission is granted for the Jamestown, Port Gamble and Lower Elwha Bands of Klallam Indians, Muckleshoot, Nisqually, Nooksack, Sauk-Suiattle, Skokomish, Suquamish, Squaxin Island, Stillaguamish Tribes, Swinomish Indian Community, Upper Skagit, Hoh, Lummi, Quileute, Makah, Puyallup and Tulalip Tribes, and the Quinault Indian Nation, to intervene in the above captioned case for the express and limited purposes of entry, enforcement, modification or rescission of this stipulation and order.

DATED: _____

IT IS SO ORDERED.

_____
UNITED STATES DISTRICT JUDGE

Agreed to and Submitted by:

Phillip E. Katzen by [illegible]
PHILLIP E. KATZEN
Attorney for Jamestown, Port Gamble and Lower Elwha Bands of Klallam Indians, Muckleshoot, Nisqually, Nooksack, Sauk-Suiattle, Skokomish, Suquamish, Squaxin Island, Stillaguamish Tribes, Swinomish Tribal Community and Upper Skagit Tribe

Susan Kay Hvalsoe by [illegible]
SUSAN KAY HVALSOE
Attorney for Hoh, Quileute and Nisqually Tribes

Howard Arnett by [illegible]
HOWARD ARNETT
Attorney for Confederated Tribes of the Warm Springs Reservation of Oregon

Signatures continued on page 10.

MASON D. MORISSET
Attorney for Makah and Tulalip Tribes

RICHARD REICH
Attorney for Quinault Indian Nation

ROBERT C. STROM
Attorney for Nez Perce Tribe

TIMOTHY WEAVER
Attorney for Confederated Tribes and Bands of the Yakima Indian Nation

DONALD A. CARR
Attorney, Land and Natural Resources Division, U.S. Department of Justice

GEORGE D. DYSART
Special Assistant United States Attorney

DANIEL A. RAAS
Attorney for Lummi Indian Tribe

CATHERINE WILSON
Attorney for Confederated Tribes of the Umatilla Indian Reservation

JOHN HOWARD BELL
Attorney for Puyallup Tribe

SARAH ELIZABETH MCCRACKEN
Assistant Attorney General, State of Alaska

MARY DEIJS
Assistant Attorney General, State of Oregon

THOMAS F. CARR
Senior Assistant Attorney General, State of Washington

Senator MURKOWSKI. We have just had Senator Pell, the ranking minority member of the committee, join us, and we have also had, Senator Pell, statements from Senator Gorton, Senator Dodd, Senator Cranston, and Senator Evans.

The gentlemen here represent our first witnesses, and we have just finished questioning them.

I would appreciate any comments you would care to make, sir.

Senator PELL. Thank you very much, Mr. Chairman.

I would like to commend you and Senator Evans and other members of the Alaska, Washington, and Oregon delegations for your leadership and hard work on the Pacific Salmon Treaty. You know that I am very interested in these fishery treaties with Canada and played a certain role in blocking the East Coast Fishery Resources Treaty with Canada, signed in 1979. I think I acted correctly in that regard.

Today we have a very different situation. I think we have a treaty which is really a very good agreement for both sides, for both the Canadians and the Americans are for it, and all the different industry elements are behind it. I think the negotiators have done their homework in terms of obtaining the support of the people who are most important, the fishermen who are doing the fishing.

And I recognize, too, that on the west coast the conservation of salmon resources requires really a great deal of international cooperation and effective management. Both countries share the responsibility for the development and preservation of the salmon stock.

Obviously the fish make no distinction between whose borders they are within, and it is not proper for one side to try to seize more than its share as the fish come home to spawn. This treaty is really the culmination, as I said earlier, of a great deal of homework, many years of negotiation involving commercial interests on both sides of the border, Indian tribes with historic fishing rights, and the Governments of the United States and Canada. I think it is an excellent one and look forward to supporting it very much indeed.

I am very glad to see both Mr. Derwinski and Mr. Kronmiller here, wearing different hats than others.

Thank you.

Senator MURKOWSKI. Thank you very much, Senator Pell.

It has been mentioned that since this has been before us for some 15 years and appears to be resolved with a consensus, that we should make sure that both these gentlemen and their assistants, Mary Walker and Joy Yanagida, are involved in some other negotiations where we may have an impasse.

And with that, I would like to thank the witnesses, the Honorable Ed Derwinski, the Honorable Ted Kronmiller. Thank you very much for a significant contribution. It is certainly a red letter day in our negotiations with Canada, the United States and certainly with the west coast salmon species that traverse throughout the north Pacific.

As indicated, there are questions which will be inserted in the record on behalf of Senator Dodd. The hearing will be held in the House on the 25th, as you have indicated. Prime Minister Mul-

roney and President Reagan will be meeting in Canada on March 17 and 18, and I understand that hearings in the Senate are scheduled on the calendar for March 1, assuming the bill gets over from the House by that time.

So it would be our hope that the Foreign Relations Committee would meet to take this treaty up for a vote early next week, and that we could get the matter moving and get it resolved in order to meet that March 17 date.

Again, gentlemen and ladies, my congratulations for the most significant role that you have played in bringing this to the successful resolve. And we will all be reflecting on your successful negotiations as we begin to live with this treaty, and, as has been expressed by you, Senator Evans and others, significant funds to make it work.

We will excuse the panel and call on Mr. Norman Cohen, representing the Governor of Alaska, the Honorable Governor Sheffield.

I might add, thank you, Senator Pell. Panel 4 member Mr. Roy Hemmingway has been delayed by fog; the significance is he was not coming from Alaska or Juneau, but from Chicago. He represents the Northwest Power Planning Council. So we will not have the panel member No. 4.

Mr. Norman Cohen, please, go ahead with your statement. We look forward to hearing your testimony, that expressed by our Governor.

STATEMENT OF NORMAN COHEN, REPRESENTING GOVERNOR BILL SHEFFIELD OF ALASKA

Mr. COHEN. Thank you, Senator Murkowski and Senator Evans. My name is Norman Cohen and I am here on behalf of the Governor of Alaska, Bill Sheffield. Governor Sheffield has written a letter to the committee, and I would ask that that letter be placed into the hearing record.

Senator Murkowski: It will be entered into the record.

Mr. COHEN. Thank you, Mr. Chairman. I will just make a few comments on behalf of the Governor. The State of Alaska is fortunate to be able to be very supportive of the United States/Canada Pacific Salmon Treaty.

We very much appreciate the efforts of the chief negotiator, Mr. Kronmiller, the efforts of Counselor Derwinski and all the other participants in the process who made the treaty possible. It was a very long and arduous task.

And we are very pleased to be able to be here today to support the treaty.

Just in a few words, we see this treaty as part of a major package dealing with our southeast Alaska fisheries, including the implementing legislation, the settlement of the treaty, Indian litigation, the all-citizens suit as it applies to Alaska, as well as what we hope will be Federal support for enhancement efforts in the southeast.

While many areas of the State of Alaska are having very successful fishery programs, southeast Alaska will be having severe cutbacks in order to meet the conservation needs that have been outlined previously today. These enhancement efforts will be some-

what costly and we hope that the Federal Government, as well as the Congress will be very supportive in these efforts.

And, though this committee does not have jurisdiction over that, we will be watching very closely as the enhancement process continues through the Congress this year. We believe that the Federal Government does have a responsibility; as it was, an understanding during the treaty negotiations, that many of the cutbacks would only be addressed through enhancement funded by the Federal Government.

The treaty itself does have some flaws. I don't want to concentrate on them today, certainly. One of them that we have some difficulty with, of course, is the equity principle which was discussed earlier.

I would just like to make clear that Alaska's interest is that we be able to prosecute our fisheries, those fisheries that concentrate on Alaskan stocks, and it is very important to be able to continue to do that and not be stopped from doing so by the operation of the equity principle.

Our intent, of course, is to have our fisheries in Alaska continue, and that the Southeast Alaska Fishery, despite the cutbacks it is going to take, will be able to prosper in the future. If we can't look forward to that, certainly there is not much that we can be looking forward to. And we believe that the treaty does provide that opportunity, and we hope that it does become a reality.

Besides the implementation of the treaty annexes that have been negotiated so far, there is the Yukon River which is left. And I would just like to make a couple of comments about the Yukon. It is a very special and very different area from southeast Alaska and those fisheries that have already been negotiated, because not only are fish the major source of livelihood for the residents of the Yukon River area in Alaska, but it also is their primary source of food.

Consequently, the treaty does consider the Yukon separately, including the Yukon fisheries not being subject to the Commission, not being subject to the equity principle, nor to the special provisions for the transboundary rivers in southeast Alaska.

With that, I would like to again thank the committee and thank everybody's efforts in making this treaty possible. On behalf of the Governor of Alaska, Bill Sheffield, we do hope that the treaty is implemented quickly and that it is a successful treaty that will promise the future prosperity of Alaska's fisheries.

Thank you very much.

[Governor Sheffield's letter follows:]

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, February 21, 1985.

Hon. RICHARD C. LUGAR,
Chairman, Senate Foreign Relations Committee, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The State of Alaska is very pleased to be able to present this testimony in support of the United States/Canada Pacific Salmon Treaty. The treaty process has been a very arduous one filled with controversy and complicated by the multiplicity of jurisdictions, user groups and stocks involved. The conservation and full development of many of these stocks have been jeopardized by the lack of a cooperative management regime. With the ratification of the salmon treaty and its implementation by the Governments of the United States and Canada, we see

the beginning of a healthy new relationship between our two nations which will benefit both the salmon resources and the salmon fishing industry in Alaska, Washington, Oregon and in Canada.

The State of Alaska has worked hard to be in a position where we can give our support to a treaty such as the one now before this committee. Previous drafts did not provide adequate assurances to Alaska that our salmon fishing industry would be able to survive the results of the concessions that had to be made in order to obtain an agreement. Previous drafts did not create a climate that would allow the Alaska industry the potential to prosper in the foreseeable future. Fortunately, during the latest series of negotiations, the United States delegation, headed by an extremely able negotiator, Mr. Theodore Kronmiller, succeeded in reaching both a consensus among the various United States interests as well as agreements with Canada which reflected the American positions. We are very grateful for the hard work and dedication of Mr. Kronmiller.

I also take some pride in the Alaska Department of Fish and Game and Commissioner Don Collinsworth who led the Alaska delegation and succeeded in obtaining a text which is acceptable to the Alaskan fishing industry. Finally, I would like to point out to the committee the efforts of the Alaska industry delegation. Not only did these individuals have the unenviable task of developing compromise positions on each of the fishery management regimes affecting Alaska, but they also had to explain the final agreements to the fishermen on the docks back home who were not privy to all of the discussions which let to those arrangements. Without their support a treaty agreement would never have been possible.

While Alaska is able to give its support to the treaty, Alaska is very concerned about the reductions that the southeast Alaska chinook troll fishery now must accept in addition to the unilateral reductions taken in the past several years and how this fishery will still be able to survive economically. We are also concerned with the impact on our traditional net fisheries off the transboundaries rivers in Southeastern to manage for new Canadian commercial fisheries in these rivers. We believe that the federal government must recognize the sacrifices made by our fishermen in order to obtain a treaty and urge that the Congress and the Administration be forthcoming with support through funding for enhancement projects in southeast Alaska. Further, we remain concerned about how the future implementation of the equity principle may affect the Alaska's salmon fisheries. Equity must be recognized as a national obligation the responsibililty of which rests with the United States government.

Additionally, it is necessary to view this treaty as only one part of a complete treaty package. We view the treaty text, the implementing legislation, the settlement of the Indian fishing treaty litigation and funding for enhancement, management, and research as all integral components of the treaty process.

This treaty will require a substantial obligation of the involved states, the Indian treaty tribes, and the federal government. The first year or two will necessitate a major commitment of time, effort and financial resources to resolve the many outstanding issues left to be negotiated. In fact, it is likely that the commissioners appointed to represent the United States Section will spend nearly all of their available time attending to the immediate needs in implementation.

Though I have mentioned some of the complexities we must overcome in the treaty, the State of Alaska approaches its implementation positively. The treaty structure truly envisions a new era for salmon fisheries management. Though there are other fisheries which are regulated by international bodies, the comprehensive nature of on-going management regimes to be developed by the Commission is unparalleled. This process will prove to be a great challenge to all of the participants to the treaty. The level of cooperation that will be required to successfully implement the treaty is immense. However, I will commit to you that the State of Alaska will support the treaty process and the successful implementation of the conservation and utilization program it establishes. We have a lot of work ahead of us and it is now time to get started.

Thank you for the opportunity to present these views to the Committee and I respectfully request that this letter be placed in the hearing record.

Sincerely,

BILL SHEFFIELD, *Governor.*

Senator MURKOWSKI. Thank you very much, Mr. Cohen.

Senator EVANS. Just one question, Mr. Chairman, on the equity principle. I understand, and I think we all do, the goals of the equity principle and your desires and the Alaskan fishermen's de-

sires to prosecute the fishing on Alaskan stocks where you have a comingled fishery, a portion of which is under severe pressure.

It seems to me it is unquestionably true that at some point under the treaty comingled fishery will require less fishing on the predominant stock in order to preserve or even to retain the endangered stock.

Do you understand it the same way? And if that requires, from time to time, Alaskan or Washington or tribal or any other fishermen to fish less than some stocks might allow in order to let the other go, is that your understanding of what would happen?

Mr. COHEN. Certainly, Senator, that is the case and I think the chinook issue shows how that will work. What we are primarily concerned about is that if the balance is in favor of Canada—in other words, if the United States does "owe fish" to Canada, that the adjustments made do not stop Alaska from harvesting its own stocks. Alaska is certainly committed to the conservation of the stocks.

And I think that our efforts and agreements on the chinook issue have certainly shown that.

Senator EVANS. How would you carry that forward? If, for instance, we owed Canada, because we had fished heavily on the comingled stock, a portion of which were Alaskan fish and a portion of which were Canadian fish, and that overfishing by, say, Alaska fishermen had caused us to owe the Canadians, where do you think that should be made up? From Washington fishermen?

Mr. COHEN. Well, Senator, that's a very interesting question.

Senator EVANS. You bet it is.

Mr. COHEN. And one that has been considered and is contained in the memorandum of understanding which accompanies the treaty. One of the things that is important in that is the equity principle is a national obligation. It is something that is owed by the Federal Government.

Senator EVANS. I understand that.

Mr. COHEN. And what we see is contained in the memorandum of understanding as well as in the letter of submittal that the State Department has included with the treaty. We see enhancement efforts as being the primary means of taking care of those kinds of problems.

But that is much preferred than disrupting traditional fisheries that people rely on right now. So that's how we would see this taking place in the future.

Senator EVANS. I understand that, and I am sure that is what everyone is striving for and working toward. I guess it's the same comment I made a little earlier, that we spend all of our time on the fringes of most agreements or treaties because it is those unusual circumstances that may come back to plague us some time if we don't understand them.

I shouldn't point, necessarily, at Alaska. It could just as easily happen in the problems as between two sets of fishermen, U.S. fishermen or tribal fishermen, in any other part of the area. But it does seem to me that if one set of fishermen has fished comingled stock, a portion of which are Canadian and a portion of which are the American and they catch more than is appropriate of the Canadian fish, then we owe Canada some fish. Those particular fisher-

men have received the benefit of all the U.S. fish and the Canadian fish that they have caught, and then if the making up of the deficiency is laid on some other set of fishermen who have neither the fish nor the opportunity to catch fish, it seems to me that is grossly unfair.

Mr. COHEN. Senator, in a practical sense, I believe that fisheries that have the highest rates of interception will be impacted first. But again, the participants in the negotiations did believe that since it was a Federal obligation, they saw the enhancement as the primary means of resolving it.

Senator EVANS. I understand that. I think we had better run up this warning flag right now, so that in the operation of the treaty we don't get surprised.

Senator MURKOWSKI. Thank you, Senator Evans. I think you have pointed that out very succinctly.

I might just add one area, Mr. Cohen. A question was asked of Mr. Derwinski with regard to the administration's attitude toward assisting in Federal funding of enhancement, and he generally answered in support thereof.

I also requested of Mr. Kronmiller the question of the appropriateness of a vessel buyback program within the negotiations on the fishery treaty, and his comment was that that had been addressed and it was something that was still under study and consideration and may be appropriate.

My question to you specifically is: Do you feel or does the Governor or the administration of the State of Alaska feel that it is appropriate that the State involve itself in a buyback program for vessel repurchases?

Obviously, the State is doing a great deal in the area of enhancement with its various hatcheries and other commitments, and I am curious to know if there is any opinion expressed on the appropriateness of involvement in the vessel buyback concept.

Mr. COHEN. Excuse me, Senator. Would this be for a Federal program or State program?

Senator MURKOWSKI. State. Obviously, I wouldn't come to you and ask you what you thought of the Federal Government doing it? That is one of the advantages you have of being chairman.

Mr. COHEN. Unfortunately, all I do know about that subject is that preliminary discussions have been talked about, but I am not privy to any position that the State has on that at this point.

Senator MURKOWSKI. I might mention for the record that the question is coming up for more and more consideration, granted, and it has come up in the treaty discussions, it has come up from time to time in the State of Alaska. The State is already involved in an extensive enhancement program, one that I think is second to none, and the question of whether the State should have a role in this consideration is one that I think deserves at least consideration and not necessarily timely with this treaty by any means, but simply as a matter of how we plan to proceed from here.

And I would simply ask that you communicate back to the Governor that the question did come up here, and it may have an application at some point in time.

Do you have any further questions?

Senator EVANS. No, thank you.

Senator MURKOWSKI. Thank you very much, Mr. Cohen.

Our next panel will be the tribal councils.

I would respectfully request that you come before us and be seated, gentlemen, and I will announce that Mr. Charles Collins, Northwest Power Planning, will not be with us.

I am sure, gentlemen, that you have found the wait back there gratifying in some regard. We do apologize for keeping you, but the first witnesses seemed to get the most questions. Sometimes that is good, sometimes that is bad.

I welcome you to the Foreign Relations Committee hearing on the Pacific Salmon Treaty. I would ask that whomever your spokesman is introduce yourselves, or introduce yourselves individually, and we look forward to your testimony. Thank you for appearing.

Senator EVANS. Excuse me just one second before the testimony. I am gratified and delighted to see friends of mine out there who have worked so very hard not only in the United States and Canada, but in the work of the Pacific Northwest Regional Power Council where they provided a great deal of the initiative and the drive to ensure that a good fish and wildlife program came out of that.

The relationships years ago were difficult and rocky, and they have gotten enormously better. And I think a great deal of the success of all we have done is owed not only to these gentlemen, but the people they represent.

Senator MURKOWSKI. Thank you, Senator Evans.

Please, Mr. Wapato.

STATEMENT OF TIM WAPATO, TRIBAL COUNCILS, PORTLAND, OR

Mr. WAPATO. Thank you, Mr. Chairman. Thank you, Senator Evans. My name is Tim Wapato. I am the executive director of the Columbia River Inter-Tribal Fish Commission. That commission is comprised of the fish and wildlife committees of the four Columbia River treaty tribes possessing treaty fishing rights.

There will be statements provided today by the people at the head table whom I will introduce in a moment. We have also prepared written statements which we request be submitted for the record. We also understand that the record will remain open to the 27th. Is that correct?

Senator MURKOWSKI. The record is open until the 27th, and you may submit anything you wish until that time.

Mr. WAPATO. Fine. Thank you.

Also with us and representing their tribes are several individuals who have traveled some 3,000 miles to participate not only in this process, but to speak with other Congresspeople in order to assist the passage of this legislation. The tribes are very keenly interested in the ratification of this treaty.

Senator MURKOWSKI. Excuse me, Mr. Wapato. There is a vote on. And in order to expedite the hearing, I am going to go and vote and ask that Senator Evans chair until I get back, and then I will relieve him so he can vote.

So please proceed. I apologize, and I will be back as soon as I can.

Mr. WAPATO. Fine, thank you.

I would like to introduce the people who have journeyed 3,000 miles for this hearing. We have with us today Delbert Frank of the Warm Springs Fish and Wildlife Committee; Delvis Heath, chief of the Warm Springs Tribe; Nelson Wallulatum, chief of the Wasco Tribe; Claude Smith, Warm Springs Tribe; Nathan Jim and Harold Culpus, Warm Springs; Levi George from the Yakima Indian Nation; Kathryn Brigham representing the Confederated Tribes of the Umatilla Indian Reservation; and also with them, Tim Weaver, attorney for the Yakima Indian Nation and Howard Arnett, attorney for the Warm Springs Tribe. In the audience we are joined by a person who is an honorary Indian, Mark Cedergreen, representing the Washington Charter Boat Association.

I would like to comment first on several matters and then introduce the panel. First of all, with regard to what has been called the settlement with the State of Alaska, we would like the record to show that we have negotiated an agreement not to litigate against Alaska. I think the term "settlement" may be somewhat misleading. Alaska was not a party to a lawsuit at this particular time. Therefore, what we negotiated was a stipulation, an agreement to not litigate during the life of this United States-Canadian treaty.

It is an agreement that was reached very painfully. It is a compromise agreed to by 24 tribes, three States, and the United States. We think it is a step forward in that it provides the mechanism to ensure an equitable North-South harvest allocation.

The treaty, assuming that the legislation is passed and the treaty ratified, will go into effect immediately. There will not, however, be any international regulatory mechanisms in place for this year's fishing season. So we are requesting, in conjunction with the State of Washington Department of Fisheries and the Oregon Department of Fish & Wildlife, that interim arrangements coordinated by the Department of State be made to set up policy and technical meetings for the U.S. fishery managers and to coordinate joint meetings with the Canadian managers for the purpose of regulating this year's seasons.

Important steps must be taken this year. As of present, there is no mechanism to deal with them.

As to funding for the U.S. portion of treaty-related expenses, we would support those amendments and those amendments only to the draft legislation in H.R. 1093 that have been introduced.

As previously mentioned, the language of the legislation represents a compromise, carefully and painfully negotiated by the States of Alaska, Oregon, and Washington, the U.S. Government, and the 24 treaty Indian tribes. That language was agreed to by all parties—as long as there were no changes. We urge that no changes be made.

Senator EVANS. You said you would support only funding amendments?

Mr. WAPATO. Fiscal amendments. Fiscal amendments and whatever fiscal amendments might be necessary to provide for funding.

We recognize the state of the U.S. deficit and the need to make funding go as far as possible. Therefore, we would prioritize funding as follows: First, funds for operation of the commission, the panels, necessary technical support, and central data collection. Second, funding should be available for the research which is very

necessary. Third would be funds for enhancement activities. Once all these mechanisms are in place, and only then, should funding be made available for buyback types of programs. All funding proposals should be State, tribal, and Federal coordinated budgets that have been jointly prepared and agreed to and submitted to Congress as a package for the funding purposes.

We are concerned that funding may not proceed as a coordinated effort until requests are presented to Congress. We are hopeful that, with the encouragement of the Senate, we can indeed generate those coordinated efforts.

The Washington Department of Fisheries, Oregon Department of Fish & Wildlife, and the 24 tribes have had some preliminary meetings and will continue to do so, trying to find ways where it is possible to implement or continue joint programs and joint data collection. We do not have to build duplicate systems to deal with this treaty.

With that very brief overview, I would like to introduce my colleagues at the table. To my immediate right is Billy Frank, Jr., chairman of the Northwest Indian Fisheries Commission and also represents the Nisqually Fish & Wildlife Committee. On my immediate left is Mr. Allen Pinkham, chairman of the Columbia River Inter-Tribal Fish Commission and also chairman of the Nez Perce Tribe. To his left is Bill Yallup, who is chairman of the Yakima Indian Nation Fish & Wildlife Committee.

I would like to begin with Billy Frank on my right.

STATEMENT OF BILL FRANK, JR., CHAIRMAN, NORTHWEST INDIAN FISHERIES COMMISSION, OLYMPIA, WA

Mr. FRANK. Thank you, Tim.

Mr. Chairman and Senator Evans, it is good to be back in Washington trying to put a piece of this puzzle together that we have in the Northwest and to sit here and enjoy some of the speakers earlier and some of the people that are committed to putting this Pacific Salmon Treaty together, as you are.

We want to put on the record that the Indian tribes that I represent in the Puget Sound and the Strait of Juan de Fuca on the western side of the Cascade Mountains in the State of Washington support this treaty and that we are committed to implement it.

I believe that it is a step forward in the Indian country as well as the State of Washington and the State of Oregon and Idaho and Alaska to work together. Any treaty can be broken. It is going to take a lot of commitment of the leadership of the parties involved to make this treaty work.

It is a framework to start working together to make the communities on the Pacific Coast healthy again, including the Indian communities, to make the communities in Puget Sound healthy again and in the State of Oregon and on the Columbia River, and to be able to rebuild some of our stock that has been so depressed in the past 20 years that we have been working on this treaty.

I believe it is a step forward. I believe that we need help in the enhancement part of this thing. I think that we are in the process of putting a comprehensive plan together. The people of the States of Washington and Oregon and on the Columbia River, Alaska—

and I think that that is a very important part of this treaty, that it is being put together right now; it will continue to be put together; it is a commitment that both the tribes and the State of Washington and the State of Oregon is committed to.

The treaty is made up of an allocation agreement that we have to allocate the fish to one another now. We have to make sure that we share among each other to have a healthy community in the South as well as in the North.

I think it is very unique to be part of that and to be part of a United States-Canada treaty and hopefully in our lifetime, Senator, we will be able to see the rebuilding of our stocks in Puget Sound as well as the Columbia River, and have a healthy community again insofar as the fisheries in the Northwest.

Thank you.

[Mr. Frank's prepared statement follows:]

Northwest Indian Fisheries Commission

TESTIMONY OF BILL FRANK, JR.

ON THE U.S.-CANADA PACIFIC SALMON TREATY

BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

FEBRUARY 22, 1985

Thank you for the opportunity to appear before your Committee to speak in support of the U.S.-Canada Pacific Salmon Treaty. My name is Bill Frank, Jr. I am chairman of the Northwest Indian Fisheries Commission. I speak today on behalf of the Indian Tribes of Puget Sound and the Strait of Juan de Fuca.

One hundred thirty years ago my grandfather and great uncle, representing Nisqually Indian villages, signed the Treaty of Medicine Creek. All the Tribes I represent signed treaties to preserve our homelands, and secure our fisheries, which are central to our way of life.

I am here today to support another treaty -- the Pacific Salmon Treaty with Canada that was signed at Ottawa on January 28, 1985. Just as the Treaty of Medicine Creek secures my right, and that of my children, to be Nisqually fish-eating Indians of the Northwest, so the Pacific Salmon Treaty secures the future of the salmon that are the subject of Indian treaties of the Northwest. It is important to all Northwest Indian Tribes in Puget Sound, the Washington Coast and the Columbia River. Without it, we may lose many of our resources and an entire way of life.

As recent history shows, the management of our salmon fisheries is in turmoil. The salmon resource is being threatened by competing interests trying to intercept fish before they migrate to the next fishery in line. Therefore, the fish-producing jurisdictions are losing their incentive to invest in the resource.

This treaty represents an important step toward rational salmon management. Although it is not a cure all, the treaty will provide the means and foundation for all management entities to work together. Even with the treaty, it will not be easy. Without it, it would continue to be impossible.

The Pacific Salmon Treaty represents a delicate balance of compromises. These compromises were struck between the U.S. and Canada, and between the competing domestic interests of the Northwest treaty Tribes and the states of Washington, Oregon and Alaska. They culminate a twenty-year effort. If this delicate balance is charged in any way, the treaty will not work.

The Puget Sound Indian Tribes represent a combination of interests. First, Puget Sound salmon stocks, particularly chinook, coho and chum, are heavily intercepted by Canada. About 55 percent of the Puget Sound chinook salmon and 35 to 50 percent of the coho are harvested in Canada now. Moreover, in the past few years,Canada has been increasing these interceptions. These stocks are essential to all the Tribes' fisheries. Second, many Tribes depend on fisheries that intercept Canadian stocks, particularly Fraser River sockeye and pink. The Treaty, therefore, represents a balance between these two interests.

On one hand, the treaty will provide for increased returns to Puget Sound of important chinook and coho runs. To some extent,

these increases were secured by giving up potential U.S. harvest of Fraser River sockeye and pink. On the other hand, the treaty provides for a level of stability in the fisheries for Fraser sockeye and pink. In recent years, the U.S. share of these runs has declined due to Canada's increased catches outside areas affected by the 1930 Fraser River Convention (IPSFC). The proposed treaty assures the U.S. a share of the total allowable harvest, regardless of where they are caught.

In conclusion, this treaty will allow us to make sense out of salmon management. It provides the inter-jurisdictional framework for cooperative salmon management between the United States and Canada that is necessary to revitalize our fisheries and restore the resource to its once bountiful levels. With the treaty each of the Tribes and states has the incentive to coordinate and cooperate to achieve common goals and management objectives for the benefit of all of our United States fisheries.

I urge you to support us and the salmon resource by approving the treaty and advising the President to see that it is given force and effect. Ratification of the treaty, together with enactment of implementing legislation as we have negotiated and presented it, will preserve the delicate balance worked out by the state and tribal parties to the U.S. Delegation.

It is vital that all of us, Indian and non-Indian, make this treaty work. It is our one chance to establish a better future for Pacific Northwest salmon and all the people who depend on it.

Thank you.

STATEMENT OF ALLEN PINKHAM, CHAIRMAN, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION, PORTLAND, OR

Mr. PINKHAM. Thank you. My name is Allen Pinkham. I am the chairman of the Columbia River Inter-Tribal Fish Commission and also chairman of the Nez Perce Tribal Executive Committee.

I would like to deviate from my written statement somewhat and give you a little background to the Indian perspective on United States-Canada Pacific Salmon Treaty.

The tribes in the Northwest entered into certain agreements with the U.S. Government; in particular, treaties negotiated in the 1850's. In those treaties and agreements, we preserved certain fishing rights at traditional sites along the rivers and within our various reservations.

The courts have upheld Indian fishing rights. I think our rights have been upheld in this salmon treaty also. As has been mentioned previously, there is certainly going to be some controversy on management regimes developed under the treaty. Indian rights may figure in those controversies. The issues are complex. The treaties provide for exclusive fishing rights on our reservations and also provide for comanagement authority with respect to other fisheries. Some salmon stocks have important religious significance for the various tribes in the Northwest.

The treaties that we negotiated with the U.S. Government have led to a cooperative and a coordinated management of those fisheries in which we have an interest. We need, however, to also negotiate further settlement of some local issues.

I think you realize, Senator Evans, that in the past it has come down to tribes versus States in many instances. We hope that conflict is behind us. We are of the opinion that we would rather sit down and negotiate settlements rather than go through a costly litigation process. I think the stipulation that was developed concurrently with the salmon treaty shows the attitude of the Indians of the Northwest.

Through the negotiation of the salmon treaty, we have also developed good relations with non-Indian fishing groups. I think this is a very signficant step, not only for the non-Indians, but Indians alike. I think that we can come together and develop management plans to allow us to save the resource.

Various tribes have already passed resolutions in support of the treaty. Indeed, the Warm Springs and the Nez Perce and Umatillas have already passed resolutions in support.

But what must fall into place are the three elements connected with the treaty: the treaty itself, the implementing legislation, and also the stipulation. These all have to fall in place at the same time so that all of the package is complete and ratified by the Senate.

The salmon treaty provides for enhancement. I think this should go foward. It also facilitates implementation of the Salmon and Steelhead Enhancement Act. The treaty also allows us to carry out certain key provisions of the Northwest Power Planning Act and the Fish & Wildlife Program. In this manner, everyone benefits from the salmon treaty, not only the Indians, but non-Indians.

I would like to thank all the U.S. delegation for their participation, the various Federal agencies, States, the various tribes. I think it is very remarkable and unique that 24 tribes can come together and agree on the means required to ensure conservation of a resource and to reach an international agreement. I am gratified, too, that our authority as managers has been recognized by the various entities.

I appreciate the opportunity to appear before you today and make my comments. I thank you.

[Mr Pinkham's prepared statement follows:]

COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION
2705 East Burnside Street, Suite 114, Portland, Oregon 97214 Telephone (503) 238-0667

STATEMENT OF ALLEN PINKHAM

CHAIRMAN, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Before the:

UNITED STATES SENATE
COMMITTEE ON FOREIGN RELATIONS

February 22, 1985

Good afternoon, Mr. Chairman and distinguished members of this Committee. I am Allen Pinkham, Chairman of the Columbia River Inter-Tribal Fish Commission and also Chairman of the Nez Perce Tribal Executive Committee. On behalf of the Yakima, Warm Springs, Umatilla and Nez Perce Indian tribes, I would like to thank the Committee for offering us the opportunity to testify on the United States-Canada Pacific Salmon Treaty.

Mr. Chairman, this is a day that the Columbia River treaty Indian tribes have long looked forward to. For many years we have sought the negotiation and ratification of a fair and balanced agreement between the United States and Canada to control Canadian harvest of Columbia River chinook and to provide a workable mechanism for coordinated, coastwide salmon management. After a decade and a half of difficult negotiations, that agreement finally is at hand.

The United States-Canada Pacific Salmon Treaty has been signed by the Governments of Canada and the United States. That agreement will, of course, enter into force only upon the approval of the Senate.

Mr. Chairman, the Columbia River treaty Indian tribes fully support the United States-Canada Pacific Salmon Treaty. We urge you and the other members of this Committee to support the Treaty and to recommend its ratification by the full Senate.

I hope you will agree with us that the Treaty is fair. It was negotiated with the full participation of every affected fishing and fishery management interest in the Pacific Northwest and Alaska. The Treaty and its harvest management annexes fairly reflect the outcome of many long weeks of open debate and compromise. I hope you will also agree with us that the Treaty is a workable agreement. In our judgment, the management structure it establishes offers the most effective mechanism possible for international, coastwide salmon management.

Before closing my remarks, I would like to express my gratitude for the Department of State's efforts in conducting the Salmon Treaty negotiations. Chief United States Negotiator Ted Kronmiller and Counselor to the Department of State, Ed Derwinski, and their staffs represented the United States with remarkable skill and determination. Their good work has helped bring long-lasting rewards to the citizens of the Pacific Northwest and Alaska and to the salmon resource itself.

Mr. Chairman, I would like to thank you for this opportunity to testify. I hope my brief comments have been helpful. I will be pleased to answer any questions you or the members of the Committee might have.

--- END ---

Senator MURKOWSKI. As you noted, Senator Evans went over to vote and he will be returning, just as I did.

Would you please introduce yourselves for the record, sir, and we welcome you.

STATEMENT OF WILLIAM F. YALLUP, CHAIRMAN, FISH AND WILDLIFE COMMITTEE, YAKIMA INDIAN NATION, TOPPENISH, WA

Mr. YALLUP. Good afternoon. My name is Billy Yallup. I am presently serving as chairman for the Fish and Wildlife Committee of the Yakima Indian Nation. I appreciate the opportunity to appear before you. I do not have a prepared statement, but will have one prior to the 27th.

Senator MURKOWSKI. Thank you.

Mr. YALLUP. At the tribal level 2 days ago, the Yakima Tribe passed a resolution in support of the United States-Canada negotiation of the treaties. There are two things from the standpoint of the Yakima Tribe. We are finally coming to the area, the missing link.

I guess in 1977 the tribes of the Columbia River had entered into a 5-year plan with regard to bringing back the salmon to the Columbia River. At that time, we knew that the missing link was the ocean connection and that interception rates by both the Alaska fisheries and the Canadian fisheries seemed to be a problem.

The Yakima Tribe on several occasions had a question with regard to conservation. Where does the conservation really begin? So with that in mind, the Yakima Tribe gave full support along the question of conservation that was in place. It is very hard to manage in river salmon fishery with regard to not having a conservation measure anywhere else.

The treaty as it is written today and the understanding among all the entities and user groups, the conservation and enhancement of all runs and all species will be there. As we understand it from the Columbia River situation, that the meaningful management will have taken place.

I agree with what has been said here by most all of the people, including the tribes. It is just too bad that all the tribes are not here to present their thoughts totally on the issue.

My tribe had a little problem with regard to, again, going into the situation where the salmon and treaty rights were again an issue. Hopefully, that will work out and the implementing legislation will have fallen in place so I can report back to my tribe and my people that within the next few years, a meaningful resource, the salmon, will have returned.

I want to thank you for the opportunity and I know that the quick ratification by Congress of the implementing legislation and agreement with the United States and Canada situation will take place.

[Mr. Yallup's prepared statement follows:]

Prepared Statement of William F. Yallup

My name is William F. Yallup and am an elected Member of the Tribal Council of the Yakima Indian Nation. I am the Chairman of the Fish and Wildlife Committee and also the Legislative Committee. I have been delegated by the Yakima Indian Nation Tribal Council to present this testimony to you.

First I wish to thank the Chairman for agreeing to expedite the hearing process the U.S.-Canada Fishery Treaty. After nearly 20 years of hard and frustrating work it is gratifying to see all parties continuing to work for ratification of the U.S.-Canada Salmon Interception Treaty and this implementing legislation.

As the other speakers have noted, the legislation implementing the Treaty was negotiated nearly word-by-word and it is imperative that it pass as presented. I realize that this is an unusual action, but in order to preserve the delicate balance that has been achieved, it is necessary to pass the legislation as prepared.

Today marks an historic moment in Tribal-State-Federal relations in that all of us have worked together toward the common goal of protection of the resource. The road has been long and difficult, but the Treaty and its promise of increased runs has made the effort worthwhile.

Previous speakers and written testimony have discussed the Stipulated Court Order that has been a part of this process. Several speakers have spoken of the stipulation as a "settlement" and have mistakenly stated that the

stipulation solved or settled the "all citizens" accounting phase of U.S. v. Washington. These statements are not accurate. The record should reflect that the stipulation is merely a covenant not to sue the state of Alaska during the period that the Treaty exists. It is not a settlement of any issues in the conventional sense of that term, nor does it settle or affect the "all citizens" case. By its terms the stipulation specifically exempts any affects on the "all citizens" case which is still continuing to trial if adequate fishery regimes cannot be agreed upon. I do not make this statement from a negative standpoint -- the stipulation is a living document which reflects a true agreement between the parties which allows us to go forward with the Treaty and rebuilding of the resource. All parties fully intend to make the Treaty work so that all of our carefully negotiated checks and balances need never be used.

Two specific areas of concern regarding the implementing legislation have been raised by the Chairman and other speakers. I would like to address these issues for a moment.

1. Enhancement -- During the years that I have been working on this Treaty it was everyone's contemplation that this was an international treaty based on federal desires to see the salmon resource fairly allocated. It was also contemplated that ongoing enhancement financed by Federal dollars would be continued for at least the life of the Treaty as Canadian harvest reduction would make this enhancement rebound to the benefit of U.S. fishermen. It was also

clearly the contemplation of all parties to the negotiation that Federal dollars would be made available for new enhancement to further augment U.S. fisheries. One of the largest selling points of the U.S.-Canada Treaty to the Tribes was the promise of increased enhancement now that Alaskan and Canadian harvests would not be allowed to skim any benefits that would be realized. Funding cuts will not only fulfill the promise of the Treaty to enhance U.S. fisheries, but may also result in a breach of U.S. obligations under the Treaty. The parties are working on a definition of "enhancement" for inclusion in report language for H.R. 1093.

2. Funding -- The Yakima Nation supports amendments to H.R. 1093 for funding authorization. This process has been "fast tracked" to insure that the Treaty would govern 1985 fisheries regimes. It is therefore essential that you provide immediate, adequate funding to gear up the Commission and phase out the sockeye Commission. This is the only amendment that is authorized by all negotiators to be made to H.R. 1093.

Senator MURKOWSKI. Thank you very much. I am sorry that I was not here for the entire presentation by your panel. I do not have any particular questions for you. Senator Evans may. And with your permission, I would like to excuse you temporarily to see if he has questions, and move on to the last panel. And then if he has, we will call you back.

Is that satisfactory? Thank you, gentlemen.

Mr. WAPATO. Thank you, Mr. Chairman.

Senator MURKOWSKI. Representing panel 5, the fishing associations, including Bob Blake, president of United Fishermen of Alaska and some of his associates who I believe are here. I see counsel. That's always reassuring to one or the other. Sometimes, Bob, we wonder what we are up to when we see the attorneys there so ably representing clients.

I just muse over it and welcome them. It is nice to have you with us, down from Alaska.

STATEMENT OF ROBERT BLAKE, CHAIRMAN, UNITED FISHERMEN OF ALASKA, CORDOVA, AK, ACCOMPANIED BY DEMMING COLES

Mr. BLAKE. Thank you, Mr. Chairman. My name is Robert Blake. I am from Cordova, AK, and I am president of the United Fishermen of Alaska.

With me is Mr. Demming Coles.

Senator MURKOWSKI. We welcome you to the panel.

Mr. BLAKE. His is a more familiar face on the Washington scene than mine. As you know, Mr. Chairman, the United Fishermen of Alaska is an umbrella group of commercial fishermen consisting of some 18 fishing organizations that deal in marketing and commercial fishing throughout the State.

While I was not a delegate to this treaty negotiations myself, a number of our member groups were intimately involved with the State of Alaska in the day-to-day negotiations. Those member groups will submit detailed written statements next week.

We are basically here to state that the UFA, including its member groups that were part of this negotiation, strongly support the United States-Canada treaty. The commercial fishing industry is of substantial importance to Alaska. It accounts for more jobs than any other industry in the State.

Commercial harvesting of salmon has occurred in Alaska waters for 100 years. In southeast Alaska, the area of the State most directly affected by the treaty, 40 percent of the economy is based on commercial fishing.

We have a long-term commitment to the Nation's economy as commercial fishermen, as well as to the economy of southeast and the entirety of Alaska. We join the State of Alaska in support of the treaty in order to enhance our fisheries' resources and our commitment to this most important aspect of Alaska and the Nation's economy.

These were difficult and lengthy negotiations. Alaska and its fishermen entered into this treaty with the knowledge that we may pay a heavy price intially. We have had to make substantial concessions in terms of our current fish catch. We have a lot on the

line, but we are cautiously optimistic that the price we pay initially will ultimately result in a substantial benefit to the United States, Alaska, and the commercial fisheries in Alaska.

First, the treaty should aid our current and future trade picture. It shows the world that we are able to resolve major trade difficulties through negotiations.

Second, through enhancement of fish, we expect our fisheries resource to improve so that we may regain our initial losses. Our member groups, such as the Alaska Trollers Association and the Southeast Seine Boat Operators Association, Owners & Operators Association, did everything that they could to help the United States reach its goal on completing treaty negotiations.

Our group's efforts and concessions were made with the understanding that there would be an equitable balance of commissioners and a substantial national commitment to such mitigation costs as research and enhancement.

It is absolutely essential that these mitigation commitments must be met now, both to honor the commitments of the negotiations and to assure a healthy replenishment and continued protection of our fishery stock.

Research rehabilitation and enhancement efforts must be made now to assure the success of the treaty recently completed and to encourage a Yukon treaty be successfully negotiated in the near future.

UFA and its member groups stand ready to work for this with other appropriate committees of Congress to assure that adequate funding be provided from the onset. If all goes in accordance with the treaty terms and the spirit of the negotiations, we have reason to be optimistic about the future of our commercial salmon fisheries.

I thank you for this opportunity to provide the UFA's comments and we would be pleased to submit for the record any additional information you desire in this regard.

Thank you.

[Mr. Blake's prepared statment follows:]

TESTIMONY OF

ROBERT BLAKE

PRESIDENT, UNITED FISHERMEN OF ALASKA
JUNEAU, ALASKA

REGARDING THE UNITED STATES/CANADA
SALMON TREATY

BEFORE THE

SENATE FOREIGN RELATIONS COMMITTEE

WASHINGTON, D.C.

FEBRUARY 22, 1985

I AM ROBERT BLAKE, PRESIDENT OF THE CORDOVA DISTRICT FISHERIES UNION, CORDOVA, ALASKA. I APPEAR BEFORE YOU TODAY AS PRESIDENT OF THE UNITED FISHERMEN OF ALASKA (UFA) TO TESTIFY IN SUPPORT OF THE UNITED STATES/CANADA SALMON TREATY.

AS YOU KNOW, UFA IS A PRIVATE, NON-PROFIT, STATE-WIDE ORGANIZATION FOR LOCAL FISHERMEN'S ASSOCIATIONS, PERMIT HOLDERS AND CREW MEMBERS, CONSISTING OF SOME 19 MEMBER ORGANIZATIONS AND AN ADDITIONAL 1500 INDIVIDUAL MEMBERS. UFA IS THE LARGEST UMBRELLA ORGANIZATION OF COMMERCIAL GROUPS IN ALASKA, AND HAS BEEN ACTIVE ON SPECIFIC NATIONAL FISHING LEGISLATION SINCE ITS CREATION IN 1972. IN THE LAST TWO YEARS WE HAVE EXPANDED OUR EFFORTS ON THE NATIONAL LEVEL TO INCREASE PUBLIC AWARENESS OF THE IMPORTANCE OF COMMERCIAL FISHING AND THE ALASKA FISHERIES TO THE NATION.

WHILE I PERSONALLY WAS NOT A DELEGATE TO THE TREATY NEGOTIATIONS, A NUMBER OF OUR MEMBER GROUPS - MOST NOTABLY THE ALASKA TROLLERS ASSOCIATION (JUNEAU) THE SOUTHEAST ALASKA SEINE BOAT OWNERS AND OPERATORS ASSOCIATION, (KETCHIKAN) AND THE SEAFOOD PRODUCERS CO-OPERATIVE (BELLINGHAM, WASH.) - WERE INTIMATELY INVOLVED WITH THE STATE OF ALASKA IN THE DAY TO DAY NEGOTIATIONS. THOSE MEMBER GROUPS WILL BE SUBMITTING MORE DETAILED STATEMENTS NEXT WEEK.

THE COMMERCIAL FISHING INDUSTRY IS OF SUBSTANTIAL IMPORTANCE TO ALASKA. IT ACCOUNTS FOR MORE JOBS THAN ANY OTHER INDUSTRY IN THE STATE. COMMERCIAL HARVESTING OF SALMON HAS OCCURED IN ALASKAN WATERS FOR ABOUT 100 YEARS. IN SOUTHEAST ALASKA, THE AREA OF THE STATE MOST DIRECTLY AFFECTED BY THE TREATY, 40% OF THE ECONOMY IS BASED ON COMMERCIAL FISHING. WE HAVE A LONG TERM COMMITMENT TO THE NATION'S ECONOMY AS COMMERCIAL FISHERMEN, AS WELL AS TO THE ECONOMY OF SOUTHEAST, AND THE ENTIRE OF, ALASKA. WE JOIN THE STATE OF ALASKA IN SUPPORT OF THE TREATY IN ORDER TO ENHANCE OUR FISHERIES RESOURCES AND OUR COMMITMENT TO THIS MOST IMPORTANT ASPECT OF ALASKA'S AND THE NATION'S ECONOMY.

THESE WERE DIFFICULT AND LENGTHY NEGOTIATIONS. ALASKA AND ITS FISHERMEN ENTER INTO THIS TREATY WITH THE KNOWLEDGE THAT WE MAY PAY A HEAVY PRICE INITIALLY. WE HAVE HAD TO MAKE SUBSTANTIAL CONCESSIONS IN TERMS OF OUR CURRENT FISH CATCH. WE HAVE A LOT ON THE LINE, BUT WE ARE CAUTIOUSLY OPTIMISTIC THAT THE PRICE WE PAY INITIALLY WILL ULTIMATELY RESULT IN A SUBSTANTIAL BENEFIT TO THE UNITED STATES, ALASKA AND THE COMMERCIAL FISHERIES IN ALASKA. FIRST, THE TREATY SHOULD AID OUR CURRENT AND FUTURE TRADE PICTURE--IT SHOWS THE WORLD THAT WE ARE ABLE TO RESOLVE MAJOR TRADE AND RESOURCE ALLOCATION DIFFICULTIES THROUGH NEGOTIATIONS. SECOND, THROUGH ENHANCEMENT OF FISH STOCKS, WE EXPECT OUR FISHERIES RESOURCES TO IMPROVE SO THAT WE MAY REGAIN OUR INITIAL LOSSES.

UFA'S MEMBER GROUPS DID EVERYTHING THEY COULD TO HELP THE UNITED STATES REACH ITS GOAL OF COMPLETING TREATY NEGOTIATIONS. OUR GROUPS' EFFORTS AND CONCESSIONS WERE MADE WITH THE UNDERSTANDING THAT THERE WOULD BE AN EQUITABLE BALANCE OF COMMISSIONERS AND A SUBSTANTIAL NATIONAL COMMITMENT TO SUCH MITIGATION COSTS AS RESEARCH AND ENHANCEMENT NOW. IT IS ABSOLUTELY ESSENTIAL THAT THESE MITIGATION COMMITMENTS ASSURE A HEALTHY REPLENISHMENT AND CONTINUED PROTECTION OF OUR FISHERIES STOCKS. RESEARCH, REHABILITATION AND ENHANCEMENT EFFORTS MUST BE MADE NOW TO ASSURE THE SUCCESS OF THE TREATY RECENTLY COMPLETED AND TO ENCOURAGE YUKON RIVER TREATY THE SUCCESSFUL NEGOTIATION OF A YUKON RIVER TREATY IN THE NEAR FUTURE. UFA AND ITS MEMBER GROUPS STAND READY TO WORK WITH THE FOREIGN RELATION COMMITTEE AND THE OTHER APPROPRIATE COMMITTEES OF CONGRESS TO ASSURE THAT ADEQUATE FUNDING IS PROVIDED FROM THE OUTSET. IF ALL GOES IN ACCORDANCE WITH THE TREATY TERMS AND THE SPIRIT OF THE NEGOTIATIONS, WE HAVE REASON TO BE OPTIMISTIC ABOUT THE FUTURE OF OUR COMMERCIAL SALMON FISHERIES.

I THANK YOU FOR THIS OPPORTUNITY TO PROVIDE UFA'S COMMENTS AND WOULD BE PLEASED TO SUBMIT FOR THE RECORD ANY ADDITIONAL INFORMATION YOU MAY NEED FROM US IN THIS REGARD.

Senator MURKOWSKI. Thank you very much, Mr. Blake. We appreciate your position representing the broad umbrella groups associated with the fishing industry in Alaska, particularly those that are in the troll caught fishery and/or the fishery associated with the chinook, whether it be the seiners or the gillnetters or trollers.

I recognize that you do not speak for all of them, but a good portion. Is that correct?

Mr. BLAKE. That is correct, Mr. Chairman.

Senator MURKOWSKI. We do appreciate the attitudes of the fishing industry. Obviously, without their input, we would not be where we are today with the consensus that we have before us. And again, I share your views that indeed the thoughtful commitments and concessions that have been made will be mutual, since we are directing your attention here to the realities associated with the tremendous movement of our salmon.

And with an appropriate treaty, we can have appropriate regulations which will ensure adequate escapements, conditioned with an advanced enhancement program. We can manage this resource in a productive manner that will be beneficial, first of all, to the return and expansion of the species, and second, to the benefits of those who make their living as fishermen, fishing for the species, and for the benefit of others that enjoy this tremendous God-given resource.

I think your comments representing the unselfish commitment of your industry is evidence of the general consensus of good will that has gone into making this treaty unique in the sense when one considers that it has been 15 years since we have been deliberating on this, and we appear to have virtually unanimous consent in support of this treaty.

Obviously, I think Senator Evans would agree, we have provided an opportunity here in the Senate in the Foreign Relations Committee for witnesses to come forward and speak, and all so far have spoken in favor of the treaty, which I think again indicates the tremendous need for bilateral management of this resource, and that we have a good treaty here, one that we can support.

The commitment will now be made to make it work. I want to thank you for your input. You have traveled a great distance and we are most appreciative.

I have no questions for this witness. I would like to give you the gavel, Senator Evans. I will excuse you, Bob, and Demming Coles. We thank you.

We do have one more panel, I am told. My list is different from the other lists, but we have the Washington Industry yet to testify, Mr. Mark Cedergreen, Mr. Robert Zuanch of the Washington Trollers Association. And, Senator Evans, I did not have any questions for the delegation of the Washington and Canadian people, and I withheld the opportunity for you to question them on anything that you may see fit. They have been gracious enough to remain here, so that is your call.

With your permission, I have to go. Senator Evans is going to take over the balance of the hearing and will conclude the hearing upon the complete testimony of the remaining witnesses and whatever questions he asks. I think the appropriate notices have been made with regard to the hearing remaining open until the 27th.

Senator Evans, if you would be kind enough to wind this up, I would be most appreciative. Thank you so much.

Senator EVANS [presiding]. Thank you.

Before the next panel testifies, rather than a question, perhaps a comment to Tim Wapato and your colleagues who were up here. I think your setting forth of the four or five elements that we need to keep in mind were well taken. I will ensure that we do specifically ask about this year's management, and in some way ensure that we move as well as we can and as rapidly as we can into the kind of regimes that will be necessary under the treaty.

I think the resource is in sufficient danger that we do not want to let even 1 year go by without moving as far as we can in terms of this year's allocation. I think that was well stated.

With that, go ahead. Who is going to go first?

STATEMENT OF ROBERT P. ZUANICH, PURSE SEINE VESSEL OWNERS ASSOCIATION, SEATTLE, WA

Mr. ZUANICH. Thank you, Senator, for allowing me to testify here today. I will make my comments brief and I would ask that my entire statement be made a part of the record.

Senator EVANS. State your name and your organization so we just get it in the record.

Mr. ZUANICH. My name is Robert Zuanich, and I represent the Purse Seine Vessel Owners Association in Seattle, WA. I speak today not only as a representative of the Washington Purse Seine salmon fleet, but also for various other user groups which includes Washington seafood processors and upwards of 1,500 gillnet and reefnet gears which harvest Fraser River salmon in Washington's Puget Sound.

We, unlike many user groups and Government agencies, cannot embrace this treaty. While others speak of new promise for Pacific salmon fisheries, we view the treaty as providing us only limited, short-term protection.

Our fear and frustration is based upon future restrictions placed upon the U.S. harvest of Fraser River sockeye and pink salmon. We certainly acknowledge the dynamics involved in the management of Pacific coast salmon stocks and the need to prevent a further decline of certain U.S. stocks.

However, I want to impress upon you the tremendous sacrifice you are asking us to endure in order to achieve an agreement with Canada. That is, to forgo any meaningful input into the allocation and management of a resource which has been the lifeblood of literally thousands of Washington commercial fishermen.

Starting in 1989 under this treaty, we will suffer sharp reductions in our percentage share of Fraser River salmon. Moreover, we will be tied to fixed-catch ceilings, thereby precluding U.S. fishermen from sharing in future enhancement on the Fraser River, enhancement that was only made possible as a result of a previous bilateral treaty entered into between the Governments of the United States and Canada in 1937 to preserve and extend the Fraser River Fishery.

Moreover, starting in 1989, the U.S. harvest of Fraser River salmon will be subject to further reductions, subject to principles of

equity as set forth in article 3 of the treaty. Under the treaty, both the United States and Canada will endeavor to ensure that each country receives benefits equivalent to the salmon produced in its rivers.

Unfortunately, the treaty clearly notes that this concept is fraught with uncertainty and will take several years to develop. From our perspective, the inability to further define this fundament principle irreparably flaws the treaty and unnecessarily exposes our fishery to further harvest reductions.

We cannot support this treaty. If it had not been for the negotiating talents of Ted Kronmiller, whose capabilities commanded the respect of the entire United States and Canadian delegations, we would not even for this moment retain a commercially viable fishery.

We find some consoliation in article 3 of the treaty which provides for the desirability of avoiding undue disruption of existing fisheries. We hope that this principle is more than a triumph of form over substance. If it is, then we are confident that our Government in the years ahead will take the action necessary to preserve our historic fisheries and way of life.

But if our fishery is to suffer further curtailment, then we must reemphasize the tremendous price being paid out of our fishery to achieve a national objective. And if that price is to be paid, we trust you will demonstrate the concern for our fishermen that you now exhibit to other Pacific salmon.

Thank you.

Senator EVANS. Thank you.

[Mr. Zuanich's prepared statement follows:]

PURSE SEINE VESSEL OWNERS ASSOCIATION

1111 NW 45TH STREET / SEATTLE, WASHINGTON 98107 / TELEPHONE (206) 783-7733

February 22, 1985

TESTIMONY BEFORE THE UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS REGARDING TREATY BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING PACIFIC SALMON

I speak here today not only as the representative of the Washington Purse Seine fleet, but also for various other user groups which includes Washington's seafood processors and upwards of 1,500 gillnet and reefnet gears which harvest Fraser River salmon in Washington's Puget Sound. We, unlike many user groups and governmental agencies, cannot embrace this Treaty. While others speak of the new promise for Pacific salmon fisheries, we view the Treaty as providing us only limited, short term protection. Our fear and frustration is based upon the future restrictions placed upon the U. S. harvest of Fraser River sockeye and pink salmon as set forth in Annex 4, Chapter 4 of this Treaty.

Discussion has focused upon the long hard struggle to achieve a Pacific salmon treaty with Canada. However, too often our federal and state officials failed to recognize that the United States and Canada have had a treaty concerning the management and harvest of Fraser River salmon since 1937.

In the early 1900's, the Fraser River teemed with salmon and allowed almost unlimited harvest by both U. S. and Canadian fishermen. In 1913 a huge landslide occurred which effectively blocked the river for salmon returning to spawn. Thereafter, the runs of salmon decreased dramatically to a point where by 1930 both the

United States and Canada acknowledged that the Fraser River fishery was largely nonexistent. In response to this situation, the United States and Canada ratified a treaty for the preservation and extension of the Fraser River salmon fishery. Under this bilateral agreement, an international commission was established and equally funded by both the United States and Canada to improve spawning conditions and management strategies on the Fraser River. Perhaps more importantly, U. S. fishermen saw their seasons sharply curtailed in order to allow for the necessary perpetuation of salmon runs on the Fraser River. In return for this U. S. accommodation, it was agreed that both countries would share equally in the fishery; that is, each country would take Fifty (50%) Percent of the fish available for harvest.

By the year 1947, we began witnessing increases in the number of salmon returning to the Fraser River, in testament to the cooperative efforts of the United States and Canada undertaken to save the Fraser River salmon runs. Notwithstanding this mutually induced success, by the year 1958, Canada had unilaterally initiated new fishing regulations 'and regimes which precluded U. S. fishermen from taking Fifty (50%) Percent of the harvest as guaranteed under the 1937 treaty. Although numerous protests were lodged at the federal level, requesting that Canada's conduct be found in violation of the existing treaty and international law, we nonetheless acquiesced to a fishing pattern whereby U. S. fishermen received a smaller percentage share of Fraser River salmon. Specifically, between the period of 1958 through 1984, the U. S. harvest was reduced to approximately 35% of the total Fraser River catch, not the 50% guaranteed under the 1937 treaty. Further, notwithstanding the sharp reductions in the U. S. harvest, Canada also increased it's interception of U. S. chinook and coho salmon, a resource not covered by the 1937 treaty.

Not surprisingly, Canada's actions created a situation where, by the 1970's, both countries were aware of the problems posed by these interceptions and commenced negotiations to determine if interceptions could be controlled by an agreement beneficial to both countries. The turning point in these negotiations occurred when both countries embraced a single provision of the Law of the Sea Conference which provided that the country whose river produced the salmon "shall have the primary interest in and responsibility for such stocks." My Association and other industry leaders, together with factions within our own government, vehemently opposed such a concept as being inconsistent with the migratory nature of salmon and unduly prejudicial to existing U. S. fisheries. Despite these protests, this concept popularly known as "river of origin" grew in strength and by 1981 the parties had agreed on a treaty framework. In 1982, U. S. negotiators attempted to force a treaty draft over the objections of several U. S. user groups, which was even more prejudicial to our fishery than that now proposed. This effort failed, but as a consequence the United States negotiating position was weakened and Canada became more recalcitrant. Canada again increased it's harvest of Fraser River salmon in violation of the spirit, if not the letter, of the existing 1937 treaty. Moreover, Canada deliberately increased it's fishing efforts on highly vulnerable U. S. chinook and coho stocks creating conservation problems of major proportion. It was within this scenario that an agreement was finally reached between the countries and not surprisingly, an agreement which should not fully consider the vital interests of Washington's commercial salmon industry.

We acknowledge the dynamics involved in the management of Pacific coast salmon stocks and the need to prevent a further decline of certain U. S. salmon stocks. However, I do want to

impress upon you the tremendous sacrifice you are now asking us to endure in order to achieve agreement with Canada. That is, to forego any meaningful input into the allocation and management of a resource which has been the lifeblood of literally thousands of Washington commercial fishermen.

Under the existing Treaty text, for the years 1985 through 1988, the U. S. harvest of Fraser River salmon and pink salmon will be reduced to 31% and 27% respectively. For the period 1989 through 1992, the U. S. harvest at a minimum will be reduced to 24% and 26% respectively. Starting in 1989, these percentages will be tied to fixed catch ceilings thereby precluding U. S. fishermen from sharing in future enhancement on the Fraser River. Enhancement which was only made possible by the cooperative efforts of both countries under the 1937 treaty. Moreover, starting in 1989 the U. S. harvest of Fraser River salmon will be susceptible to further reductions subject to principles of equity as set forth in Article III of the Treaty.

Under the Treaty, both the United States and Canada will endeavor to insure that each country receives benefits equivalent to the salmon produced in it's rivers. Unfortunately, the Treaty clearly notes that this concept is fraught with uncertainty and will take several years to develop. From our perspective, the inability to further define this fundamental principle irreparably flaws the treaty and unnecessarily exposes our fishery to further harvest reductions.

We do not embrace this treaty. If it was not for the negotiating talents of Ted Kronmiller, whose capabilities commanded the respect of the entire U. S. and Canadian delegations, we would not, for even this moment, retain a commercially viable fishery.

We find some consolation in Article III of the Treaty, which provides for the desirability of avoiding undue disruption of existing fisheries. We hope that this principle is more than a triumph of form over substance. If it is, then we are confident that our government in the years ahead will take the action necessary to preserve our historic fishery and way of life. But, if our fishery is to suffer further curtailment, then we must re-emphasize the tremendous price being paid out of our fishery to achieve a national objective. And if that price is to be paid, will you demonstrate the concern for our fishermen that you now exhibit toward the Pacific salmon?

Respectfully submitted,

ROBERT P. ZUANICH
Executive Director
Purse Seine Vessel Owners
Association

STATEMENT OF MARK CEDERGREEN, CHAIRMAN, UNITED STATES-CANADA TREATY COALITION , PORTLAND, OR

Mr. CEDERGREEN. Thank you, Senator Evans. I am Mark Cedergreen. I am chairman of the United States-Canada Treaty Coalition. I am representing both the Washington State Charter Association and the coalition. I am going to forgo reading a list of our members, as it is listed in a copy of our testimony.

Salmon fishing in the Pacific Northwest is an intrinsic part of our culture, recreation, and economic base. Salmon fishing has been a way of life for the Northwest Indian tribes for centuries. Commercial fishermen have earned livelihoods from the salmon resource for over 100 years. Recreational fishermen have been catching salmon for personal use for decades.

Since World War II, coastal communities have offered charter boat fleets to provide the public with access to this magnificent resource. Cultures have been expressed, livelihoods earned, and the communities involved in salmon fishing have thrived up through the mid-1970's.

As the demand for salmon increased in recent years, stress on the resource became evident, particularly on the naturally spawning stocks. Hatchery production was increased to compensate for the decline, but the success was marginal.

More fish were produced than at any time since the hatchery programs began, but the harvestable surplus south of the Canadian border, continued to decline. At the same time, the ocean fisheries were growing steadily in harvest capability, particularly in the Canadian troll fishery. The harvest of Washington, Oregon, and Idaho stocks north of our borders increased steadily.

When the Federal courts ruled in 1974 that Northwest treaty Indian tribes were entitled to half of the harvestable surplus of many stocks of salmon, the crisis began. There just were not enough fish left to go around. With Canada and Alaska getting the first crack at the returning fish, we had lost control of any rational management process by which to predict and carry out harvests.

Seasons were curtailed by management regimes and catches plummeted. In 1976 off the coast of Washington, the ocean fishery caught over 2 million salmon in a 180-day season. In 1984, that ocean fishery caught only 100,000 fish in a 15-day season. During a period in which the Canadian catch of our salmon increased dramatically, we went from feast to famine.

We have paid a tremendous price for our past inability to negotiate a treaty. The failure of the 1983–84 negotiating session stimulated our industry to make an attempt to finally resolve this issue. We contacted other user groups and the management agencies. It was obvious to all of us that if we didn't get together for the sake of the salmon, that we would soon be litigating over the last one.

We formed the United States-Canada Treaty Coalition with the support of most Northwest sport and conservation groups and the treaty Indian tribes. With the aid of tribal and State technical people, we developed a treaty position. We planned a strategy based upon public education. With the help of our Senators and the Reagan administration, we went back to the table with Canada.

Ted Kronmiller, with the able leadership of Counselor Edward Derwinski, did a remarkable job negotiating, and in December 1984 he got us a treaty. Our coalition did not get everything it wanted out of the treaty. No one got everything they wanted out of the treaty.

In the short term, some of us will still suffer for a while. Some of us may sustain some short-term losses. In the long term, however, we are all winners. And that is because with this treaty, the salmon will be a winner.

The Pacific Salmon Treaty provides a mechanism to turn around the decline in the salmon. It provides for rational management throughout the range of the resource. It allows for the systematic rebuilding of the salmon to a level where once again there can be prosperity in the tribal and coastal communities that depend upon this great resource as an economic base.

As Billy Frank, Jr. of the Nisqually Tribe so aptly put it last fall, if the salmon could talk he'd be yelling for help. I respectfully ask for your help in ratifying this all-important treaty.

Thank you sincerely for the opportunity to speak here today.

[Mr. Cedergreen's prepared statement follows:]

FEBRUARY 22, 1985

TESTIMONY BEFORE THE
UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS
ON THE
PACIFIC SALMON TREATY

PRESENTED BY

MR. MARK CEDERGREEN
CHAIRMAN
US/CANADA TREATY COALITION

REPRESENTING: US/CANADA TREATY COALITION
WASHINGTON STATE CHARTERBOAT ASSOCIATION

Attached: Testimony
Biography

UNITED STATES - CANADA PACIFIC SALMON TREATY COALITION - P.O. BOX 14689 - PORTLAND, OREGON 97214

44-828 O—85——4

THANK YOU MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE

MY NAME IS MARK CEDERGREEN. I AM THE CHAIRMAN OF THE US/CANADA TREATY COALITION. I WILL BE SPEAKING IN SUPPORT OF THE PACIFIC SALMON TREATY. I AM REPRESENTING BOTH THE WASHINGTON STATE CHARTERBOAT ASSOCIATION AND THE TREATY COALITION. THE MEMBERSHIP OF THE TREATY COALITION IS AS FOLLOWS:

* WASHINGTON STATE CHARTERBOAT ASSOCIATION
* COLUMBIA RIVER INTERTRIBAL FISH COMMISSION
* NORTHWEST INDIAN FISHERIES COMMISSION
* OREGON COAST CHARTERBOAT ASSOCIATION
* NORTHWEST COUNCIL OF FEDERATION OF FLY FISHERS
* SOUTH SOUND FLY FISHERS
* PUGET SOUND FLY FISHERS
* ALPINE FLY FISHERS
* OREGON TROUT
* OREGON SHORES CONSERVATION COALITION
* NORTHWEST STEELHEAD AND SALMON COUNCIL OF TROUT UNLIMITED
* COLUMBIA GORGE COALITION
* TROUT UNLIMITED
* PORT OF GRAYS HARBOR
* PORT OF ASTORIA
* SEATTLE POGGIE CLUB
* AMERICAN FRIENDS SERVICE COMMITTEE
* WASHINGTON STATE SPORTSMEN'S COUNCIL
* NORTHWEST GILLNETTERS ASSOCIATION
* WESTPORT CHARTERBOAT ASSOCIATION
* ILWACO CHAPTERBOAT ASSOCIATION
* WASHINGTON ENVIRONMENTAL COUNCIL
* OREGON COASTAL ZONE MANAGEMENT ASSOCIATION
* PORTLAND AUDUBON SOCIETY
* IZAAK WALTON LEAGUE OF AMERICA, OREGON DIVISION

SALMON FISHING IN THE PACIFIC NORTHWEST IS AN INTRINSIC PART OF OUR CULTURE, RECREATION, AND ECONOMIC BASE. SALMON FISHING HAS BEEN A WAY OF LIFE FOR THE NORTHWEST INDIAN TRIBES FOR CENTURIES. COMMERCIAL FISHERMEN HAVE EARNED LIVELIHOODS FROM THE SALMON RESOURCE FOR OVER ONE HUNDRED YEARS. RECREATIONAL FISHERMEN HAVE BEEN CATCHING SALMON FOR PERSONAL USE FOR DECADES. SINCE WORLD WAR TWO, COASTAL COMMUNITIES HAVE OFFERED CHARTER BOAT FLEETS TO PROVIDE THE PUBLIC WITH ACCESS TO THIS MAGNIFICENT RESOURCE. CULTURES HAVE BEEN EXPRESSED, LIVELIHOODS EARNED, AND THE COMMUNITIES INVOLVED IN SALMON FISHING THRIVED UP THROUGH THE MID-1970'S.

AS THE DEMAND FOR SALMON INCREASED IN RECENT YEARS, STRESS ON THE RESOURCE BECAME EVIDENT, PARTICULARLY ON THE NATURALLY SPAWNING STOCKS. HATCHERY PRODUCTION WAS INCREASED TO COMPENSATE FOR THE DECLINE, BUT THE SUCCESS WAS MARGINAL. MORE FISH WERE PRODUCED THAN AT ANY TIME SINCE THE HATCHERY PROGRAMS BEGAN, BUT THE HARVESTABLE SURPLUS SOUTH OF THE CANADIAN BORDER CONTINUED TO DECLINE. AT THE SAME TIME, THE OCEAN FISHERIES WERE GROWING STEADILY IN HARVEST CAPABILITY, PARTICULARLY IN THE CANADIAN TROLL FISHERY. THE HARVEST OF WASHINGTON, OREGON, AND IDAHO STOCKS NORTH OF OUR BORDER INCREASED STEADILY.

WHEN THE FEDERAL COURTS RULED IN 1974 THAT NORTHWEST TREATY INDIAN TRIBES WERE ENTITLED TO HALF OF THE HARVESTABLE SURPLUS OF MANY STOCKS OF SALMON, THE CRISIS BEGAN. THERE JUST WEREN'T ENOUGH FISH LEFT TO GO AROUND. WITH CANADA AND ALASKA GETTING THE FIRST CRACK AT THE RETURNING FISH, WE HAD LOST CONTROL OF ANY RATIONAL MANAGEMENT PROCESS BY WHICH TO PREDICT AND CARRY OUT HARVEST. SEASONS WERE CURTAILED BY MANAGEMENT REGIMES AND CATCHES PLUMMETED. IN 1976, OFF THE COAST OF WASHINGTON, THE OCEAN FISHERY CAUGHT OVER TWO MILLION SALMON IN A 180 DAY SEASON. IN 1984, THE OCEAN FISHERY CAUGHT ONLY ONE HUNDRED THOUSAND FISH IN A 15 DAY SEASON. DURING A PERIOD IN WHICH THE CANADIAN CATCH OF OUR SALMON INCREASED DRAMATICALLY, WE WENT FROM FEAST TO FAMINE.

WE HAVE PAID A TREMENDOUS PRICE FOR OUR PAST INABILITY TO NEGOTIATE A TREATY. THE FAILURE OF THE 1983-84 NEGOTIATING SESSION STIMULATED OUR INDUSTRY TO MAKE AN ATTEMPT TO FINALLY RESOLVE THE ISSUE. WE CONTACTED OTHER USER GROUPS AND THE MANAGEMENT AGENCIES. IT WAS OBVIOUS TO ALL OF US THAT IF WE DIDN'T GET TOGETHER FOR THE SAKE OF THE SALMON THAT WE WOULD SOON BE LITIGATING OVER THE LAST ONE. WE FORMED THE US/CANADA TREATY COALITION WITH THE SUPPORT OF MOST NORTHWEST SPORT AND CONSERVATION GROUPS AND THE TREATY INDIAN TRIBES. WITH THE AID OF TRIBAL AND STATE TECHNICAL PEOPLE WE DEVELOPED A TREATY POSITION. WE PLANNED A STRATEGY BASED UPON PUBLIC EDUCATION. WITH THE HELP OF OUR SENATORS AND THE REAGAN ADMINISTRATION WE WENT BACK TO THE TABLE WITH CANADA. TED KRONMILLER, WITH THE ABLE LEADERSHIP OF COUNSELOR EDWARD DERWINSKI, DID A REMARKABLE JOB OF NEGOTIATING, AND IN DECEMBER OF 1984, HE GOT US A TREATY.

OUR COALITION DIDN'T GET EVERYTHING IT WANTED OUT OF THE TREATY. NO-ONE GOT EVERYTHING THEY WANTED OUT OF THE TREATY. IN THE SHORT TERM, SOME OF US WILL STILL SUFFER FOR AWHILE. SOME OF US MAY SUSTAIN SOME SHORT TERM LOSSES. IN THE LONG TERM, HOWEVER, WE ARE ALL WINNERS. AND THAT'S BECAUSE, WITH THIS TREATY, THE SALMON WILL BE A WINNER.

THE PACIFIC SALMON TREATY PROVIDES THE MECHANISM TO TURN AROUND THE DECLINE IN THE SALMON. IT PROVIDES FOR RATIONAL MANAGEMENT THROUGHOUT THE RANGE OF THE RESOURCE. IT ALLOWS FOR THE SYSTEMATIC REBUILDING OF THE SALMON TO A LEVEL WHERE ONCE AGAIN THERE CAN BE PROSPERITY IN THE TRIBAL AND COASTAL COMMUNITIES THAT DEPEND UPON THIS GREAT RESOURCE AS AN ECONOMIC BASE.

AS BILLY FRANK, JR. OF THE NISQUALLY TRIBE SO APTLY PUT IT LAST FALL....."IF THE SALMON COULD TALK, HE'D BE YELLING FOR HELP". I RESPECTFULLY ASK FOR YOUR HELP IN RATIFYING THIS ALL-IMPORTANT TREATY.

THANK YOU SINCERELY FOR THE OPPORTUNITY TO SPEAK BEFORE YOU HERE TODAY.

BIOGRAPHY OF MARK CEDERGREEN

I was born on June 12, 1945 in Wenatchee, Washington. My parents established a sport fishing business in Westport, Washington in 1956 and I worked on or ound fishing vessels throughout my teen years. I graduated from Ocosta High School in 1963 and from the University of Washington with a B.S. in Aeronautics and Astronautics in 1968. Due to a lack of opportunity in the Aerospace field in 1969 and also due to my love for fishing, I returned to Westport, where I owned and operated a commercial Salmon fishing vessel for next 6 years. In 1976 my father retired and I purchased his charterboat sportfishing business, Westport Charters, Inc., and have operated it ever since. I am a past president of the Westport Charterboat Association and a past member of the Pacific Fishery Management Council Groundfish Advisory Panel. With much support, I started the US/Canada Treaty Coalition in April of 1984 and have served as its chairman since its inception.

Mark Cedergreen
P. O. Box 546
Westport, Wash. 98595
(206)268-9120

Senator Evans: Thank you, Mr. Cedergreen, Mr. Zuanich.

A couple of questions, first for Mr. Zuanich. I think I understand fairly well the particular problems of some of the North Puget Sound fishermen. It not only appears, but I think is accurate to say, that in all of the give and take, there is perhaps more give than take from the fishermen you represent. In trying to get a treaty every group gave something and everyone is going to have to participate in order to rebuild the runs.

Do you see some hope in the elements of the treaty that are related to the sustaining the North Puget Sound stocks of various kinds, as opposed to the Fraser River stocks?

Mr. ZUANICH. Did you say as opposed to the Fraser River stocks?

Senator EVANS. I understand some of the problems that relate to the Fraser River stocks. Can some of the lost opportunity on the Fraser River stocks be made up for by the treaty provisions that attempt to sustain and ultimately enhance North Puget Sound stocks?

Mr. ZUANICH. I think it must be pointed out that the primary function of this treaty was to enhance coastal and Columbia River chinook, and to a lesser extent coho stocks. Although there will be some direct gains to North Puget Sound, from my association's particular standpoint, those will probably inure to the Indian commercial fishermen in the State. What we need to stress is that under this treaty Canada gains complete management control of the Fraser River which they felt was the most productive salmon resource in the world.

We see no way that North Puget Sound stocks can ever be in any way enhanced to make up the lost opportunity we have given up on the Fraser River.

Senator EVANS. When you say lost opportunities, as I understand it, the Fraser River Treaty itself encompassed certain geographic areas and outside of those areas, to the degree salmon were in Canadian waters and caught by Canadian fisherman, those salmon did not count in the treaty allocation. As a result, significant shares of the Fraser River stocks were beyond the 50 percent that were caught by Canadian fishermen anyhow.

Is that essentially true?

Mr. ZUANICH. That is correct, Senator. Under the 1937 treaty, that was a convention area. Fish caught outside that area did not go on the United States-Canada allocation.

Senator EVANS. Now, is it true under the new treaty that the old area will be eliminated, and all fish headed for the Fraser will be counted?

Mr. ZUANICH. That is correct. I would point out that in 1984, which was the last year under the IPSFC Treaty, the U.S. harvest was approximately 36 percent. Certainly in 1983, we did suffer the pangs of a number of those fish being taken outside of the convention area.

Senator EVANS. When you say 36 percent, was that 36 percent within the IPSFC Treaty area this last year?

Mr. ZUANICH. That was 36 percent of the total allowable catch or 50 percent within the convention area.

Senator EVANS. So the 36 percent, was that the total?

Mr. ZUANICH. That is correct.

Senator EVANS. But the average, if you take the last half dozen years, American percentage of the total catch was substantially lower than that?

Mr. ZUANICH. Less than 36 percent?

Senator EVANS. Yes.

Mr. ZUANICH. Yes. And I know Mr. Kronmiller made a point of that: That the number of fish that are guaranteed over the next 8 years under this treaty is greater than any prior 8-year period in history.

I think the two things to point out, though, is that: One, the Fraser River resource will now grow at a tremendous pace because of the great management efforts that will be put into enhancement; and two, I think it is appropriate to consider, that prior to 1974 the share of the Fraser River resource was shared between a much lesser portion of Washington's citizens. With the 1974 Federal treaty obligations, obviously, there was the same sized pie to be divided between a much larger fishing group.

I think we have gotten over that hurdle. What bothers my fishermen is that when the 1974 Federal court decision came down, we all looked to the Fraser River as perhaps the resource that was going to get us over that hurdle and was going to take care of future allocation situations as they arose.

We feel this treaty has after the second time resulted in large curtailments of our fishing.

Senator EVANS. I do understand that, those successive difficulties piled on top of one another. However, all we can deal with here is the current treaty which is now in front of us.

I am not sure that in your statement or in your presentation you said that you absolutely opposed the treaty, or whether you said that you couldn't support the treaty.

There is perhaps a distinction. But assume that the treaty failed. Do you believe that if the treaty failed, there would be any great enhancement on the Fraser?

Mr. ZUANICH. No.

Senator EVANS. Well, if there is no great enhancement on the Fraser if the treaty fails, would you then be worse off than if the treaty passes and, as you say, during at least the next 8 years there is a larger share of salmon during that period of time than at any previous time in history?

The only two choices we have as a Senate is to turn the treaty down or to ratify it. Would your fishermen in the next decade be better off or worse off, depending on what we did?

Mr. ZUANICH. I guess, looking at a perhaps 8-year period, your statement has a great deal of merit. What concerns us is that after the first 4 years, our catch ceiling is going to be limited to a certain number of fish, at least as it appears. The Fraser River over the last 10 years has grown at a rather rapid pace, even without enhancement money, just because of the state of the resource and the fine management that has presided over it.

I want to point out that we can not embrace this treaty and we could not support it. But I did note that within article 3 of that treaty, it provides for the preservation of historical fisheries. I believe if the Commission makeup within the U.S. section recognizes

the long historical fishery on the Fraser River, then I believe probably at a lesser scale, we will maintain our industry.

Senator EVANS. I think that is an important point and one which ought to be pursued very actively in the treaty. If that is part of the treaty, that is something we ought to do everything we can to ensure is carried out.

Would it be accurate to say that without a treaty and continuing to allocate fish within the treaty boundaries, that it is sort of a Russian roulette, year by year, depending upon whether the fish come around the east side or the west side of the Vancouver Island to get to the Fraser?

Mr. ZUANICH. I think Russian roulette would probably be an appropriate description. My grandfather, father, and myself for many years were fishermen. And probably one of the most dynamic aspects of the fishery is that there is a high element of chance, and there can either be a windfall or it can be a very poor season.

I think that is what we feel most disheartened with this treaty. Our catch is going to be put on specified limits, so that there is no hope of a huge season.

Senator EVANS. It's tough. I guess that what happens 10 years from now is going to be a tough circumstance to try to predict exactly, just as in earlier questioning I felt that it is going to be tough to know precisely what is going to happen when we go through the cycles on the chinook fishery and look to what we do beyond that.

If I can turn to Mr. Cedergreen, what is your expectation? With the treaty signed, many of the people you represent, although certainly not all, have gone through the pangs of the fishing decline on the Columbia River and in the ocean off the Columbia River.

Do you have any hopes or feelings as to what will happen under the treaty now and to what degree both the commercial and sport fishing can be stabilized in the ocean?

Mr. CEDERGREEN. You can look at two scenarios. I think without a treaty, within 3 years we probably wouldn't have an ocean fishery off the coast of Washington and Oregon anymore. I think with the treaty and with the run size predictions that have been alluded to in the past week that may exist this year, and with the turnaround that should begin to take place in 1987, I think we are going to see an increase in available harvest on the ocean that should turn the decline that we have been experiencing for the last 8 or 10 years around.

I think there is every sign that in the next 2 or 3 years, that things are only going to get better.

Senator Evans. You mentioned predictions for this year. I guess I haven't seen those.

Mr. CEDERGREEN. I do not have any concrete numbers, but the planning team for the Pacific Fishery Management Council met with the advisory panel and it was alluded to that most of the stocks of salmon that are of great importance to the ocean fishery and a lot of the stocks which are the weak link as far as the ocean fishery is concerned, the naturally spawning stocks, may be in much better shape this year than they have been in the past few years.

I think the indication is that in 1983, we probably bottomed out and there was an improvement in 1984, and there may be a substantial improvement in 1985. And that is the most heartening news that we have had in a number of years as far as those fish are concerned.

Senator EVANS. To get back to Mr. Zuanich, do you have any feel for any particular river or system where significant enhancement potential exists in the North Puget Sound or in U.S. or Washington waters that could be utilized as a significant future resource to help sustain and enhance your fishery?

Is the potential there and, if so, where is the best place?

Mr. ZUANICH. I believe the most significant one would be the Skagit River and perhaps the Stillaguamish and the Snohomish to a lesser extent. Particularly though on the Skagit. I think there is a potential for high numbers of pink salmon to return, and I think this would be highly advantageous from our position because of the concept of flooding now existing in the treaty. If we could provide pink salmon from the Skagit River returning to Washington waters at the same time the Fraser River late sockeye and pink salmon are returning to the Fraser River through the Puget Sound—this would strongly enhance the position of the Puget Sound net fishermen.

Certainly those fish were in the Skagit River 25 years ago, and I believe cooperation between the tribes, the State, and the industry could bring it back again.

Senator EVANS. Good.

Well, thank you both for coming this far. It's been a long, tough haul to get this far and not an easy one for anyone. We hope that we can put the treaty negotiations and difficulties behind us and get back to the task of trying to reconstitute the kind of resource that we had in the Northwest 50 years ago, 100 years ago. Now all we get are pictures.

Mr. ZUANICH. Thank you, Senator.

Mr. CEDERGREEN. Thank you for all your help, Senator.

Senator EVANS. Well, thank you very much, all of you who have come. It has been very helpful to the committee. It will certainly be my intent, I know Senator Murkowski's intent, and Senator Lugar, chairman of the Foreign Relations Committee, to move expeditiously on this treaty to bring it to the floor of the Senate, hopefully in time for ratification prior to the meeting of the President and the Prime Minister of Canada. This means that we might well, barring some disaster, have a treaty in hand and ratified well before the end of March.

With that, unless there is any other business to come before the hearing, the hearing is adjourned.

[Additional questions and answers follow:]

STATE DEPARTMENT'S RESPONSES TO ADDITIONAL QUESTIONS SUBMITTED BY SENATOR DODD

Question 1. One of the objectives for the Commission established under the treaty will be to provide for each country to receive an amount of fish equivalent to the production of salmon originating in its waters. What mechanisms will the Commission use to achieve this objective?

Answer. Under the Memorandum of Understanding to the Treaty, the Party that finds itself in deficit to the other is to develop programs that will restore an equita-

ble balance of benefits. Thus, if Canada is in deficit, it will initiate proposals to the Commission for restoring the balance. The United States would take the initiative only if it is in deficit. We anticipate that both Parties will place primary emphasis on enhancement to restore an equitable balance; either by repaying the other Party in enhanced fish or to mitigate dislocation caused by domestic cutbacks.

Question 2. What will be the approximate cost to the United States Government of participating in the bilateral Commission established under the treaty?

Answer. Since the negotiations leading to a Pacific Salmon Treaty acceptable to both the United States and Canada were in process for about 15 years, the unexpectedly sudden conclusion of those negotiations in late January did not allow for sufficient time to request funding through the normal budget process. Therefore, the Department of State plans to submit a request for supplemental funding in 1985 and a budget amendment for FY 1986 in the International Fisheries Commissions appropriation to cover initial funding for this Treaty and the new Pacific Salmon Commission which will be formed. Funding for the new Commission will be placed on a regular basis as a line item in the International Fisheries Commissions appropriation request in FY 1987.

The amount to be requested in the Department of State FY 1985 supplemental totals $2,372,000 and includes the following items: $1,422,000 for close-out costs for the International Pacific Salmon Fisheries Commission (IPSFC), which would be in addition to amounts requested for IPSFC in the 1986 budget; $271,000 for United States' share of FY 1985 operating costs of the new Salmon Commission; $100,000 for travel costs of Commissioners, Alternate Commissioners, Panel Members, Advisory Committee Members, and United States Members of Joint Technical Committees; and $580,000 for salary costs of Commissioners, Alternate Commissioners, and Panel Members who would be paid at a daily rate not to exceed the maximum rate allowable under the Civil Service pay scale for days actually worked on Commission business.

The amount to be requested in the Department of State FY 1986 budget amendment totals $2,225,000. That sum includes: $512,000 for the United States' share of the full-year operating costs of the new Pacific Salmon Commission; $413,000 to cover travel expenses of Commissioners, Alternate Commissioners, Panel Members, Advisory Committee Members, and United States Members of Joint Technical Committees; and $1,300,000 for salary costs of Commissioners, Alternate Commissioners, and Panel Members.

Question 3. What are the implications of this treaty, if any, for the management of Atlantic salmon?

Answer. This treaty has no direct impact on management of Atlantic salmon.

Question 4. What research programs are contemplated by this Agreement to study the means of rebuilding the stock of Pacific salmon?

Answer. Research programs associated with the treaty would be a Department of Commerce responsibility.

Question 5. I understand that the treaty is opposed by a number of commerical fisherman in the Puget Sound area. What is the basis for their opposition?

Answer. We understand that these fishermen believe that the United States fishermen should receive more Canadian Fraser River sockeye than the treaty provides.

In considering their objection, a few factors merit consideration:

Puget Sound commerical fishermen will increase their annual average harvest of Canadian sockeye by 20 percent over the 1977–1984 average harvest.

The Fraser River fishery is the only 100 percent U.S. intercepting fishery.

It is the only fishery covered by the treaty that has any exemption from the Article III "equity" provisions.

The U.S. delegation—which included representatives from the Puget Sound commercial fishery—opted for a longer 8-year regime instead of a shorter regime with greater numbers of fish.

Question 6. To what extent will this treaty reduce the amount of fish available for catch by U.S. fishermen?

Answer. In the short term, Alaskan trollers fishing in southeast Alaska will realize cutbacks. In the longer term, conservation and enhancement should enable greater harvests by United States and Canadian fishermen. To the extent cutbacks are required, they will have to be approved by each of the voting members of the U.S. Section of the Commission.

Question 7. What is the relationship of this agreement to existing Indian treaty rights pertaining to fishing in Puget Sound waters and other areas?

Answer. Under Article XI of the treaty and section 14 of the implementing legislation, this treaty shall not be interpreted or applied so as to affect or modify existing Indian treaties. Accordingly, the treaty and the legislation create a forum

through which Indian treaty rights are to be implemented. The treaty tribes have a voting membership on the U.S. Section of the Commission, two of six positions on the Southern Panel and one of four positions on the Fraser River Panel.

Question 8. The treaty contemplates compensation benefits for fish harvested by one country but originating in the waters of the other. How will these benefits be paid?

Answer. This question is duplicative of Question 1. Please see Answer No. 1.

[Whereupon, at 4:44 p.m., the committee adjourned, subject to call of the Chair.]

APPENDIX

TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

ON THE U.S./CANADA PACIFIC SALMON TREATY

February 22, 1985

The Northwest Power Planning Council is a regional planning compact composed of eight members representing the four Northwest states, Washington, Oregon, Idaho and Montana. The Council was created in accordance with the Pacific Northwest Electric Power Planning and Conservation Act, passed by Congress in 1980.

The Act required the Council to undertake two tasks. One was to develop a 20-year energy plan for the region that encourages conservation and the development of renewable resources and that provides an adequate, efficient, economical, and reliable power supply. The other was the development of a program to protect and enhance fish and wildlife in the Columbia River Basin and to mitigate for damage to these resources as a result of the development of hydroelectric power on the Columbia River.

The Columbia River Basin once boasted one of the most impressive salmon and steelhead runs in the world. Its decline has caused major hardship to the region's commerical and sport fishing industries and indian tribes. In fact in recent years low returns of adult salmon to the river have caused many analysts to question of the survival of the resource itself.

When the Northwest Power Planning Council initiated its fish and wildlife program planning efforts the resource was in crisis. A large part of the blame could be attributed to the development and operation of hydroelectric facilities on the Columbia River, but the Council recognized that there were also other problems that had to be addressed. Chief among them was the lack of a coastwide fisheries management that would protect salmon during their ocean migration. Columbia River chinook salmon have remarkable migration patterns. Not only do they negotiate up and down hundreds of miles of river, during their adult lives they also swim thousands of miles north to the coasts of S.E. Alaska and northern British Columbia where they become subject to Alaskan and Canadian fisheries. Unfortunately, in past years fishermen in these areas have harvested significantly more fish than the weak Columbia River stocks could sustain and still remain healthy. The Council believes that its enhancement programs, designed to restore wild and natural production, cannot be achieved without complementary harvest controls.

Without adequate coastwide salmon management, the Council believes that Northwest electric ratepayers have no assurance that their salmon enhancement investments will achieve maximum returns. The cost of this investment is significant. The 20-year Fish and Wildlife Program is now estimated to cost in excess of $700 million. Currently Bonneville Power Administration is spending about $30 million per year on fish and wildlife. Additional costs are in the form of firm power losses that result from spring river flows provided to aid downstream migration of juvenile spawners.

Because of the importance of adequate ocean fisheries management to the success of the salmon restoration program, the Council included a section in its program that linked certain enhancement activities to adequate controls on ocean harvests. Basically, the program states that major capital expenditures cannot go towards enhancing those stocks that migrate off Canada and Alaska until there are adequate harvest controls. The successful negotiation of a U.S./Canada treaty represents a major step toward this goal.

The treaty itself provides a solid institutional framework for coastwide management as well as an underlying philosophy that encourages conservation and development of the resource. This philosophy is reflected in the treaty's two main principles: (1) the prevention of overfishing and (2) equity -- the effort to ensure that each nation receives benefits equivalent to the production of salmon originating in its waters. The Council believes that, if adhered to, these principles will result not only in a much healthier resource but also in major long-term benefits to the commercial and sport fishing industries and the tribes that depend on salmon for their livelihood.

Of particular interest to the Council is the chinook annex which sets forth fishing regimes that should halt the decline of depressed stocks and rebuild indicator stocks by the year 1998. This means that implementation of the annex should result in about a 48 percent increase in Columbia River upriver brights over the 1979-1982 base period. Although benefits to other upriver Columbia basin stocks are less well defined because of the lack of data, the Council expects increases in returns of other stocks that are subject to Alaska and Canadian fisheries. These increases will help ensure that the Northwest region's electric ratepayers' investments in protection of salmon in the Columbia River will not merely result in a subsidy of the Canadian fishery, but in benefits that return to the region. In addition, the harvest regimes and rebuilding schedules adopted as part of the treaty will complement the Council's enhancement programs and ensure a maximum return on ratepayer investment.

For all these reasons the Council enthusiastically supports quick ratification of the U.S./Canada Pacific salmon treaty and passage of the implementing legislation. The Council would also like to commend the efforts by Ted Kronmiller and the U.S. delegation. Although the nature of the issues often pitted region against region within the U.S. delegation, the delegation members grappled with the difficult issues and everyone compromised a little. Given the 20-year history of the negotiations and the intensity of the sessions these past few months, it is not difficult to understand the sense of optimism that has ensued. To many observers, the treaty represents new hope for declining wild and natural salmon runs. To the Council and electric ratepayers, it provides another incentive for proceeding quickly with enhancement activities.

The Council has no doubt, however, that many of the tough decisions are yet to come. If the treaty is ratified, the Northwest, Alaska and Canada will be embarking on an exceedingly complex resource management venture. As the Council's work in the Columbia River basin has shown, much is still unknown about the behavior and biology of the Pacific salmon. While considerable research is being conducted on the in river habits and biology of young and adult salmon, there are huge gaps in our knowledge about how these fish survive and are distributed in the ocean. The Council supports passage of legislation that contains authorization and appropriation of enough funding to ensure adequate data collection and analysis as part of treaty implementation. More needs to be known, for example, about the time and area distribution of chinook salmon in the ocean. This information will not only aid equity determinations, it will also allow harvest managers to protect weaker stocks, such as summer chinook from the Columbia River basin, more adequately. If Congress is serious about restoring chinook salmon to the Columbia River basin it must not only provide the Northwest Power Planning Council and river, it must also provide harvest managers with the money and data collection to fulfill their side of the bargain and successfully implement the treaty.

In closing let me again stress the importance of this treaty to a broad range of planning activities both in the ocean and in the Columbia River. The Northwest Power Planning Council, on behalf of the Northwest electric ratepayers and customers of Bonneville, urges quick ratification so that we can all get on with the business of producing fish.

Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (206) 276-8211

TESTIMONY OF JOE DELACRUZ ON THE US-CANADA SALMON TREATY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, FEBRUARY 22, 1985

Thank you for the opportunity to appear before your committee. My name is Joe DeLaCruz. I am the President of the Quinault Nation. I am pleased to testify in support of the Salmon Treaty between the United States and Canada.

The treaty is vital to the management of the salmon and to the future of my people. Salmon are the essence of our being. We have been fishermen for countless generations. The salmon that return to our rivers are central to our religion, culture and economy.

Within the last few decades, we have witnessed a serious decline in the salmon resources of the Pacific Northwest. The reasons are many, but stem principally from the lack of the capacity to comprehensively manage the resource.

We speak of the life of the salmon as a circle, a circle that begins when eggs are laid in the rivers and continues when spawning salmon return to perpetuate their kind. If the circle is broken at any point, the resource cannot survive.

The politics of competing jurisdictions now threaten the circle of life. So many of our fish are being harvested by intensive ocean fisheries off Canada and Alaska that few remain to return to our rivers. The continuity of our tribal society has been placed in jeopardy.

We have done what we can to manage the salmon that return to our rivers. Our fishermen have made painful sacrifices in a desperate attempt to save our salmon so they might nuture our future generations. We have devoted our energy and resources to restoring and protecting our salmon. We have built hatcheries and cleared our streams. We have developed innovative and sophisticated tools to contend with complex problems. Still, our life's blood continues to drip away. Our efforts have not been enough.

We know we can't save the salmon alone. Our salmon need to be managed comprehensively. If the salmon are to survive, cooperation between political jurisdictions must be secured.

For nearly twenty years, the United States and Canada have attempted to reach agreement on a salmon treaty. Each year, countless hours have been spent trying to develop an equitable way to share the salmon resource. Each year, our hopes have been raised only to have them dashed as one group or another musters political opposition to protect its perceived interests. Each year, the salmon have been made to suffer the consequences.

Just a few weeks ago, a salmon treaty was agreed upon by negotiators for the United States and Canada. That treaty is now before your Committee. I am certain that nearly anyone can find some defect from his own narrow perspective. The treaty isn't perfect. None can be.

Problems are easy to find, but workable solutions are not. As the chief elected official of my people, I have the responsibility to view the treaty on its own merits with the critical eye of a manager concerned with the future. I see that the treaty holds the key to the establishment of a management structure that can revitalize the life of the salmon if given the chance.

The treaty doesn't and shouldn't hold all the answers to all the myriad questions that can be raised. It is neither realisitic nor desirable for the salmon treaty to attempt to etch <u>the solution</u> in stone for all time. The treaty more properly establishes the means to address problems cooperatively, both domestically and internationally. With dedication and commitment, I am confident that people and governments working together can find the elusive responsible and responsive answers that meet the needs of both the resource and the people who depend upon it.

While there are places where the treaty could be improved from our perspective, overall, the treaty strikes a balance that I believe is fair.

It is a balance that is held precariously. It is a balance that involves many varied interests in both countries. It is a balance that involves the structure of decision-making processes so delicately crafted in the implementing legislation presently before the House (H.R. 1093). It is a balance that involves the recognition of the President that cooperative management of salmon could significantly improve bilateral relationships with Canada. It is a balance that could well determine the fate of the salmon.

As the salmon travel in schools for protection and companionship along their arduous journey to keep the circle of life intact, so must tribes, states and nations undertake a common journey to preserve the rights of those yet unborn.

The Congress of the United States now has a precious opportunity to take action on an issue of critical importance to the future of the salmon and my people. I urge you to support the treaty and proceed with its rapid ratification. Thank you.

TESTIMONY

OF

WILLIAM R. WILKERSON, DIRECTOR
WASHINGTON DEPARTMENT OF FISHERIES

BEFORE THE SENATE COMMITTEE ON FOREIGN RELATIONS

FEBRUARY 22, 1985

Mr. Chairman and Members of the Committee:

My name is Bill Wilkerson and I am the Director of the Washington Department of Fisheries. It is a great privilege for me to appear before the Committee to testify on the U.S./Canada Salmon Treaty.

Introduction

As you know, a Pacific salmon treaty has been the subject of extensive negotiation by the U.S. State Department for almost 20 years. It has been most challenging to be a part of the delegation that at long last brings to you a treaty and implementation legislation that puts the negotiating process at an end, and sets a regime of cooperative fish management between our two great nations as the agenda for tomorrow.

Many have asked me over the five years of my own involvement in the negotiations - "What is the problem, why can't you get a treaty if it is so important to the future of our resources?"

All of you are aware that the problem with salmon is that they are a migratory species that know no boundaries. Fish born in our rivers pass through Canadian and Alaskan waters before returning to the waters of our state. Canadian fish migrate into Washington and/or Alaskan waters. We catch their fish. They catch ours. Important segments of our highly competitive industry rely on the harvest of both nations' fish.

Simply stated, this treaty is intended to resolve the problems of conservation and interception resulting from the fact of salmon migration and the intense competition of fisheries to harvest those salmon. The issues addressed in the

treaty are so complex, I can honestly say that their political resolution may well have been legitimately required the 20 years of negotiation. There was no easy settlement available.

We, in Washington, have the greatest appreciation and respect for Counselor Ed Derwinski and Chief Ted Kronmiller. It was their leadership and creativity which helped all of us put together the negotiated arrangements before you. These men used their special talents to cajole, persuade and encourage all of us to give as well as take during these past months.

U.S./Canada - A Sign Of Cooperative Management

I have attached, as part of my testimony, a briefing packet which describes in some detail the importance of the treaty, how it will work, its potential impact on our fisheries, and a summary of the implementing legislation. For now, I direct your attention to the first page of that packet.

You will see that the treaty is the product of the hard work of the broadest coalition of fishing interests ever put together in Washington and Oregon to solve a fisheries problem. That first page is proof that diverse interests can come together to solve difficult problems in spite of long and conflicting histories and disputes among those parties.

Treaty tribes, the state fisheries agencies, many of our fishing groups, environmental groups and federal fisheries agencies all committed their energy, money and talent to getting this treaty. It would not have happened without the

spirit and fact of cooperation. Perhaps at long last, the war over salmon in the Northwest - which was becoming a battle to see who might catch the last fish - is behind us.

U.S./Canada - A Future For The Fish

The proposed treaty addresses all salmon in the Northwest (the existing treaty between the two nations provides for cooperative management only of Fraser River sockeye and pink salmon). A first important principle of the treaty is to ensure the coastwide conservation of the stocks, a principle which has often taken a back seat to Canadian and U.S. efforts to harvest as many of the other nation's fish as possible.

This conservation regime is particularly important with respect to chinook salmon. The almighty king salmon will at last be the subject of a coastwide rebuilding program. In recent years, without the treaty, our two nations have overharvested as many as a half million chinooks per year. This uncontrolled harvest put the stocks in biological and economic jeopardy. The trend must be reversed and the treaty ensures that it will.

Chinook fisheries in Canada and Alaska will be reduced by 25 percent in 1985 and 1986. This will reverse the trend of decline in the stocks. After 1986, fisheries will be limited to ensure the rebuilding of depressed natural stocks by 1998. This may be accomplished by further harvest restrictions or, hopefully, through enhancement strategies which allow stable fisheries while reducing the harvest rates on critical natural stocks.

While coho, chum, sockeye and pink stocks are generally healthier than chinook, the treaty establishes a contract between the two countries which ensures that each nation will help the other conserve its stocks. Such a commitment has clearly been lacking in the past (except for the sockeye and pink treaty).

U.S./Canada - A Future For All Our Fishermen

The strong support and only limited dissension among our fishing groups regarding the treaty reflects two facts: (1) the overwhelming problems associated with the status quo, and (2) the clear acknowledgment in the treaty and its annexes that it shall be a priority of the two nations to maintain and enhance existing fisheries.

Let me describe the status quo for Washington fishermen. Our Fraser River fishermen have seen their percentage shares of sockeye and pink salmon decrease from nearly half the harvest in the 1940's and 1950's to slightly more than one-fourth of the total harvest in the last ten years. Because the Canadians could mount extensive fisheries outside areas covered by the original treaty with Canada, there was no end in sight to this continued decline. And Canada had expressed its intention to further reduce U.S. harvest of Fraser stocks, with or without a treaty.

The proposed treaty guarantees our Fraser fishermen a significant fishery, and is a reflection that Canada has taken a more realistic view of the future of this fishery. For the next eight years, U.S. fishermen will actually increase their pink salmon harvest from the 1975-83 average of 2.48 million fish to 3.6 million fish - an increase of 45 percent. Fraser River sockeye harvested by

U.S. fishermen is projected to average 1.75 million fish, or 21 percent more than the 1975-84 average. Canada will be able to enhance its Fraser River stocks with assurance that the fish will be available for harvest by Canadian fishermen.

Chinook and coho fishermen in Washington and Oregon benefit more from the treaty. The status quo for our ocean troll and recreational fisheries tells us why southern U.S. interests so badly needed a treaty which deals with all species of salmon.

In 1984, Canada harvested 2.3 million coho off the West Coast of Vancouver Island. Off the coast of Washington, treaty and non-treaty ocean fishermen harvested less than 100,000 fish, a ratio of 23:1. This at a time when El Nino impacts created a conservation crisis. Under the treaty, a substantial reallocation to the south in 1985 and 1986 begins and, with conservation principles in place, such distorted fisheries patterns are not possible in the future. This reallocation means a future for ocean and in-river coho fisheries in Washington and Oregon.

In 1984, chinook harvest north of the Canadian border (including Alaska) exceeded 1.5 million fish. Off the coast of Washington, chinook harvest was less than 75,000 -- a ratio in excess of 20:1. The chinook rebuilding schedule will affect a substantial reallocation to the south over the next 14 years because of the comparative good health of our stocks to those in Canada and Alaska. The attached packet indicates increased returns to Washington and

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Oregon, as key indicator stocks range from 10-200 percent over the rebuilding period. This does not account for the benefits of significant new enhancement which is possible with ceilings on fisheries to the north.

U.S./Canada - An Opportunity To Significantly Enhance Our Stocks

Like Canada on the Fraser River, the United States can now make significant investments in salmon with assurance that such investments will benefit our own fishermen. The principle of equity established in the treaty provides that each nation receive the benefits equivalent to its own production. The adoption of management by ceilings or quotas in the treaty annexes is clear evidence that both nations intend to live by this provision.

What this means in Washington and Oregon is that existing production in federal, state, and tribal hatcheries will provide significantly greater benefits to our fishermen. It means that investments by power customers under the Northwest Power Act in rebuilding Columbia River fish runs can be accelerated. It means that currently frozen state monies for enhancement can be freed to increase runs important to treaty and non-treaty fishermen.

Alaska, Washington, Oregon, and the tribes will be before the Congress asking you to maintain existing federal production, and in some instances to join us in the expansion of production. Many marginal existing facilities and proposed new hatchery operations are now excellent investments with an interception treaty in place.

U.S./Canada - A Complex Cooperative Management Program

The treaty and implementing legislation establishes a necessarily complex international management structure to ensure that the treaty provisions are implemented. The two countries have proven that international salmon management institutions will work, given the success of the International Pacific Salmon Fisheries Commission. That Commission rebuilt Fraser River sockeye and pink salmon stocks and effectively managed fisheries in Convention waters pursuant to the terms of the treaty. It succeeded because it was given the resources and institutional arrangements necessary to force intelligent annual agreements between the two countries.

Because we borrowed from the model of the previous treaty, we believe that the institutional arrangements under the proposed treaty are workable, although the new commission has a much more complex job. It was our intent in the development of the commission system to ensure the adequate protection of Alaska, southern state and tribal interests, with appropriate federal involvement and oversight to protect federal investments and to ensure the meeting of international obligations. The primary management functions are, in large part, left with the states and tribes, provided that their actions are consistent with the obligations of the treaty.

Obviously, the commission and state and tribal management entities will fail to meet our international obligations if we are not provided the resources to do our job. There will be a cost. The operational functions of the commission must be funded, and we have proposed an amendment package which assures this.

Certain data and research requirements have resulted from the treaty. If either the U.S. or Canada is to comply with the conservation and equity provisions of the treaty, we must be able to identify who is catching the fish and where. This will require a variety of expanded tagging, sampling, recovery and analytical programs. We will be jointly submitting appropriate budgets for such programs with the tribes and other affected states. Cooperative programs with Canada will also be required.

U.S./Canada - Relationship To Indian Treaties

As you know, the negotiations with respect to this treaty required a focus on treaties which the U.S. previously entered into with Northwest treaty tribes. A lawsuit had been filed which raised questions as to the State of Alaska's obligations under those treaties. It was clear to all of us that there was a relationship between certain aspects of this suit and the U.S./Canada treaty. Alaska expressed clear concern that it could not face reductions in its fisheries through both a lawsuit and an international treaty. The tribes, on the other hand, sought recognition that the obligations under their treaties apply to all U.S. citizens.

Perhaps the most difficult element of our negotiations involved resolution of the north/south allocation issues between Alaska, the southern states and tribes, and appropriate federal agencies. A part of the treaty package is an agreed-on court order among the parties which will go into effect if the treaty is ratified and the implementing legislation is enacted without significant amendment.

I raise this issue not to address the substance of the proposed order, but rather to underscore the difficulty, the give and take, and the complex risks assumed by all of us in these negotiations. An agreement has been struck on this three-part package. It is not a perfect product for any of us. Frankly, state and tribal leaders are being criticized for resolving or not resolving certain provisions in the treaty, the legislation, or the court order in a certain way. We all needed the treaty for varying reasons; we needed as well to resolve many issues in the lawsuit.

The lawsuit is not fully resolved by the proposed stipulation and order. Issues to the south remain. What is satisfying is the commitment of the states, the tribes, and the federal government to resolve these remaining issues in the spirit of cooperation that resulted during the treaty negotiations, with each of us considering each other's needs in the resolution of the probelms on which the litigation focuses. It is also recognized by all of us that the treaty with Canada provides us far greater flexibility in resolving the difficult remaining issues.

Conclusion

The treaty, legislation and court orders which have been crafted in recent months are the product of one of the most intense efforts to resolve domestic and international problems for the salmon ever mounted. I truly believe U.S./Canada is the most important fisheries and environmental issue in the Northwest at this time. It is a pleasure to offer you a good treaty for both nations, a good implementing bill for all interests in the United States, and a court order which is an excellent start at resolving many of our domestic allocation problems. We ask that you give this package your fullest consideration and support.

ATTACHMENT 1 - WILKERSON TESTIMONY

THE U.S. – CANADA SALMON INTERCEPTION TREATY

U.S. – Canada Treaty Coalition

Washington State Charter Boat Association
Columbia River Inter-Tribal Fish Commission
Northwest Indian Fisheries Commission
Oregon Coast Charter Boat Association
Northwest Council of Federation of Fly Fishers
South Sound Fly Fishers
Puget Sound Fly Fishers
Alpine Fly Fishers
Oregon Trout
Oregon Shores Conservation Coalition
Northwest Steelhead and Salmon Council of Trout Unlimited
Trout Unlimited
Columbia Gorge Coalition
Port of Grays Harbor
Port of Astoria
Seattle Poggie Club
American Friends Service Committee
Washington State Sportsmen's Council
Northwest Gillnetters Association
Westport Charter Boat Association
Ilwaco Charter Boat Association
Washington Environmental Council
Oregon Coastal Zone Management Association
Portland Audubon Society
Izaak Walton League of America, Oregon Division

Northwest Indian Fisheries Commission

Nisqually	Tulalip
Puyallup	Stillaquamish
Squaxin Island	Swinomish
Makah	Upper Skagit
Jamestown	Sauk-Suiattle
Lower Elwha	Quinault
Port Gamble	Quileute
Skokomish	Hoh
Muckleshoot	Nooksack
Suquamish	Lummi

Columbia River Inter-Tribal Fish Commission

Nez Perce
Warm Springs
Umatilla
Yakima

Washington State Department of Fisheries

Oregon Department of Fish & Wildlife

THE U.S. – CANADA SALMON INTERCEPTION TREATY

WHY IT IS CRITICAL TO THE PACIFIC NORTHWEST

"The Congress finds and declares the following:
The stocks of salmon and steelhead . . . contribute to the food supply and economic health of the Pacific Northwest and the Nation as a whole, provide valuable recreational experiences for thousands of citizens from various parts of the United States, and represent a central element of the cultures and economies of Indian tribes and the citizens of the Pacific Northwest."
Public Law 96-561.

THE PROBLEM:

The future of the salmon resource and the people who depend upon it is in jeopardy. Uncontrolled interceptions, the catch by one jurisdiction of salmon produced by another, has been a major problem that has spawned overfishing and social conflict.

THE SOLUTION:

The United States-Canada Pacific Salmon Interception Treaty, carefully structured to protect the salmon and to allow each country to enjoy the benefits of the salmon it produces. After almost 20 years of effort, an agreement has been negotiated.

THE RESULT:

- A GUARANTEE OF MORE SALMON FOR THE NORTHWEST;
- INCREASED RETURNS ON HATCHERY AND HABITAT INVESTMENTS;
- PROTECTION AGAINST OVERHARVEST OF NORTHWEST SALMON;
- THE REBUILDING OF PRIZED CHINOOK AND COHO SALMON STOCKS;
- PROVIDES THE NATIONAL AND INTERNATIONAL FORUM FOR THE COOPERATIVE MANAGEMENT OF PACIFIC SALMON STOCKS;
- AN AGREEMENT ENDORSED BY THE NORTHWEST'S COMMERCIAL AND SPORT FISHERMEN, STATE AND TRIBAL FISHERY-MANAGERS, CONSERVATIONISTS, INDIAN TRIBAL GOVERNMENTS, FISHERY-DEPENDENT BUSINESSES, PORT AUTHORITIES, CITIES, COUNTIES, AND STATE GOVERNMENTS.

THE TREATY IS THE KEY TO THE PROTECTION, COORDINATED MANAGEMENT AND INCREASED HARVEST OF OUR SALMON

IT MEANS SECURITY FOR THE FUTURE OF THE SALMON--FOR OURSELVES AND COMING GENERATIONS.

"THE TREATY DESERVES YOUR ACTIVE SUPPORT"

THE U.S. – CANADA SALMON INTERCEPTION TREATY

MORE SALMON FOR THE PACIFIC NORTHWEST

The Treaty sharply cuts back interceptions of salmon returning to Northwest rivers. The Treaty provides stability for the fisheries of both countries.

The Treaty ensures that:

- Catches of **chinook** salmon in waters north of Washington State will be cut from 1984 levels by roughly 25 percent. In 1984 the northern harvest was 1.5 million chinook. In 1985 and 1986, those fisheries will reduce their harvest by 400,000 fish. More chinook will return to Oregon, Washington and Idaho waters.

- In 1985 and 1986, Canadian troll catches of **coho** off Vancouver Island -- mostly of U.S. origin -- will be reduced by 500,000 fish. Decreased interceptions will help restore the productivity of chronically depressed runs and significantly improve prospects for healthy fisheries that depend on coho.

- In recognition of the long-term investment of the United States in the management of the Fraser River salmon stocks, Puget Sound commercial fishermen will be provided a more stable fishery than experienced in recent years. Based on available run size forecasts, the U.S. catch of Fraser River **sockeye** will increase to an annual average of 1.75 million fish through 1992, a level 21% higher than the 1975-84 average.

- Based on available run size forecasts, Puget Sound commercial fishermen will increase their harvest of Canada's Fraser River **pink** salmon from the 1975-1973 odd-year average of 2.48 million fish to 3.6 million fish through 1991 – and increase of 45%.

- A Joint U.S. and Canadian Chum Salmon Technical Committee evaluates the status of **chum** salmon stocks and develops management recommendations.

THE TREATY MEANS MORE SALMON -- FOR HARVEST, FOR SPAWNING

MORE CHINOOK--MORE COHO--MORE SOCKEYE--MORE PINKS

THE U.S. – CANADA SALMON INTERCEPTION TREATY

INCREASED BENEFITS FROM FISH PRODUCTION AND HABITAT PROTECTION EFFORTS

Throughout the Pacific Northwest, salmon spawn in natural habitat and hatcheries. Federal, tribal, and state governments and private organizations have invested millions of dollars--and are committed to invest millions more--to protect salmon habitat and to build and operate modern hatcheries.

Salmon fishing and related industries contribute hundreds of millions of dollars to the economy of the Northwest. Each year, many millions of dollars are invested to produce, manage, and protect the salmon. The Treaty ensures that intercepting harvests will be controlled so that more salmon produced in the Northwest are allowed to return to its waters.

The size of the investment highlights the need for the Treaty:

- The federal government, the states, and the tribes annually spend about $87 million dollars on salmon management and production. Without the Treaty, much of the benefit of this investment has been reaped outside of the Northwest.

- More than $800 million has been invested in fish passage and production facilities to mitigate damage caused to the fishing industry and Indian tribes by construction and operation of Columbia River hydroelectric facilities.

- The Northwest Power Planning Council, fulfilling the Congressional mandate of the 1980 Northwest Power Act, has committed as much as $750 million to restore Columbia River Basin salmon and steelhead. The Treaty ensures that this investment will return its benefits to this region.

As then-Secretary of Energy Donald P. Hodel wrote to Secretary of State George Shultz in 1984:

> "Much of this substantial investment . . . is severely jeopardized by continued uncontrolled harvest of Columbia River Chinook runs by Canadian and Alaskan fishermen. It is imperative that if this investment is to achieve corresponding regional benefits, the United States and Canada must soon reach accord on an interception treaty. Continued decline of the Columbia's salmon runs may only lead to further regional hardship. . . ."

*** THE TREATY ENSURES THAT U.S. INVESTMENT BENEFITS U.S. FISHERIES ***

THE U.S. – CANADA SALMON INTERCEPTION TREATY

PREVENTION OF OVERHARVEST AND THE REBUILDING OF PRIZED SALMON STOCKS

The Northwest's salmon migrate long distances in the ocean, crossing state and national borders and a multitude of management jurisdictions. Without the Treaty, coastwide salmon management has been uncoordinated, competitive and frequently destructive. Conservation measures taken by the fisheries of one country have often been undercut by the fisheries of the other country.

Each country has overharvested the salmon. By ignoring our shared interest in conservation, the U.S. and Canada have pushed many chinook and coho stocks to the edge of extinction.

The Treaty ensures international management of stocks that migrate through waters of both nations. A Pacific Salmon Commission with equal U.S. and Canadian membership will make recommendations to both nations on the conduct of salmon fisheries.

- Under the Treaty, both countries will be committed to "prevent overfishing and provide for optimum production. . . ."
- Regimes for U.S. and Canadian fisheries will ensure complete rebuilding of chinook stocks and the conservation of Northwest coho. The burden of conserving the salmon stocks will, at long last, be fairly shared.
- The U.S. and Canada will cooperatively enhance and carry out joint research on stocks of concern to both countries.

*** THE TREATY WILL PREVENT SALMON OVERHARVEST ***

THE U.S. – CANADA SALMON INTERCEPTION TREATY

THE PROTECTION OF STEELHEAD TROUT

The United States-Canada Salmon Treaty expressly provides for the first time, the means for the international conservation of steelhead. Article IX of the Treaty reads in full as follows:

"In fulfilling their functions, the Panels and Commission shall take into account the conservation of steelhead."

This provision:

- Empowers the Commission and Panels to take coordinated, international action to protect steelhead stocks;
- Ensures that the conservation needs of steelhead will be taken into account in the enhancement and management of salmon species;
- Does not diminish existing state, tribal or federal protection of steelhead.

The Treaty contains no harvest regimes for steelhead because the fish currently are not the subject of directed intercepting fisheries. There currently is no method to control the interception of steelhead stocks. Article IX was included principally to provide protection for steelhead from incidental harvest and from directed intercepting harvest, should that problem eventually arise.

THE U.S.-CANADA TREATY PROVIDES INTERNATIONAL PROTECTION FOR * STEELHEAD TROUT *.

STEELHEAD TROUT

THE U.S. – CANADA SALMON INTERCEPTION TREATY

COASTWIDE BENEFITS

The fishermen and salmon stocks of Oregon, Idaho, Washington and Alaska all will benefit from the U.S.-Canada Treaty:

OREGON BENEFITS:

- Increased returns of Columbia River and north coastal chinook;
- Assurance of return on future salmon production investments;
- Increased harvest opportunities resulting from reduced Canadian interceptions of coho.

IDAHO BENEFITS:

- Substantially increased returns of Columbia and Snake River chinook;
- Assurance of return on future salmon production investments.

WASHINGTON BENEFITS:

- Washington coastal commercial and recreational fishermen will enjoy greater returns of chinook and coho;
- Puget Sound commercial fishermen will harvest greater numbers of Fraser River sockeye and pink salmon;
- Puget Sound recreational and commercial fishermen will enjoy greater returns of chinook and coho due to harvest reductions off the west coast of Vancouver Island and in the Strait of Georgia.
- Throughout Washington, increased salmon returns will alleviate treaty/non-treaty allocation constraints.
- Assurance of return on future salmon production investments.

ALASKA BENEFITS:

- Assurance of return on future salmon production investments.
- Increased stability for chinook fisheries and fishing dependent economies;
- Management of transboundary fisheries will be coordinated between the U.S. and Canada, as will be enhancement stocks contributing to these fisheries.
- Canadian harvest of transboundary stocks is capped.

ALL REGIONS BENEFIT FROM THE TREATY. CONSERVATION AND ENHANCEMENT WILL ADD TO THOSE BENEFITS.

THE U.S. – CANADA SALMON INTERCEPTION TREATY

VITAL TO THE FUTURE OF THE SALMON RESOURCE

What happens to the Northwest if the Treaty is not secured? What of the fishermen? What of the salmon?

• CONTINUED OVERHARVEST – Without the Treaty fisheries managers are helpless to slow or stop overharvest of Northwest chinook and coho. There will be no means to rebuild those stocks. Wild runs will disappear.

• UNFAIR HARVEST SHARING – Interceptions of Northwest salmon will remain at inflated levels or expand. Northwest fishermen will continue to pay the price for that overharvest with even more severely reduced seasons. Northwest fishermen alone will continue to bear the burden of conservation.

• REDUCED RETURN ON INVESTMENT – The people of the Pacific Northwest today are committed to the restoration and protection of the region's salmon. They have begun to rebuild their damaged fisheries. On the Columbia River, the Northwest Power Act of 1980 has committed three-quarters of a billion dollars to salmon restoration. Environmental laws are working to protect salmon habitat. Washington State has committed over $300 million to clean up Puget Sound. The states and Indian tribes are working together to protect and enhance the shared salmon resource.

THE U.S.-CANADA TREATY IS THE KEYSTONE TO REBUILD THE SALMON RESOURCE. WITHOUT THE TREATY, THE EFFECTS OF THE MANY OTHER EFFORTS WILL BE UNDERMINED AND DIMINISHED.

*** THE TREATY MERITS YOUR SUPPORT ***

THE U.S. – CANADA SALMON INTERCEPTION TREATY

TREATY PROVISIONS

THE SPECIFICS

The U.S.-Canada Pacific Salmon Interception Treaty is a commitment by the U.S. and Canada to the coastwide conservation and rational management of salmon stocks. It is a commitment to optimum production of salmon to the mutual benefit of both countries.

The Treaty acknowledges several realities: (1) that the country-of-origin has the primary interest in its own salmon stocks; (2) that salmon originating in either country currently are significantly intercepted by the other; and (3) that research on and management and enhancement of salmon stocks is a matter of common concern.

The Treaty also recognizes that its principles and goals cannot be immediately attained. Interim implementing measures are necessary. Specific steps are to be taken in the next two, four, eight -- up to twelve -- years to lead to the restoration of fish stocks and fulfill the principles and goals of the treaty.

TREATY PRINCIPLES

The Treaty is built upon two basic principles:

Prevent Overfishing and Provide for Optimum Production – Both countries agree to respond to conservation concerns related to the interception of stocks of mutual concern.

Equity -- Each country should receive benefits equivalent to the production of salmon originating in its waters.

The twin principles of conservation and equity are to be implemented, taking into account:

a. The desirability in most cases of reducing interceptions;

b. The desirability in most cases of avoiding undue disruption of existing fisheries; and

c. Annual variations in abundance.

(OVER)

TREATY IMPLEMENTATION

To implement the Treaty's basic principles, a Pacific Salmon Commission and three regional panels are created.

The Treaty's Commission consists of four members representing each country. Each country will have one vote, and both votes are necessary for a Commission decision.

The Treaty initially establishes three regional panels under the Commission. Each panel consists of not more than six members from each country. As with the commission, each country will have one vote. Recommendations from the panels shall be made to the Commission only by approval of both countries.

The Northern Panel reviews fishery regimes and harvest statistics for salmon stocks originating north of Cape Caution, British Columbia to Cape Suckling, Alaska.

The Southern Panel reviews fishery regimes and harvest statistics for stocks originating south of Cape Caution, except as specified for the Fraser River Panel.

The Fraser River Panel reviews fishery regimes and harvest statistics for Fraser River sockeye and pink salmon. The panel has the additional responsibility of in-season management.

NATIONAL OBLIGATIONS

- Each country agrees to develop, provide and review a wide variety of technical reports and statistical compilations necessary for successful management.
- Each country also agrees to manage its fisheries in accordance with the principles and goals of the Treaty and the decisions of the Pacific Salmon Commission.
- Neither country shall initiate intercepting fisheries, nor conduct or redirect fisheries in a manner that intentionally increases interceptions without the other country's approval.
- The Treaty does not modify any existing Indian treaty right or other federal law.
- Each country agrees to cooperatively undertake management and research on stocks of common concern.
- Each country agrees to coordinate enhancement.

THE U.S. – CANADA SALMON INTERCEPTION TREATY

IMPLEMENTING LEGISLATION

THE PACIFIC SALMON COMMISSION:

The United States section of the Pacific Salmon Commission must be organized by federal legislation. The proposed legislation provides for the United States to be represented by four Presidentially-appointed commissioners; one from the United States government, one from the State of Alaska, one from the states of Washington and Oregon and one from treaty Indian tribes. The U.S. vote is to be determined by consensus of the three non-federal commissioners.

The U.S. sections of the three regional panels must also be organized through federal legislation.

THE NORTHERN PANEL:

The U.S. section of the Northern Panel will consist of state and federal representatives from Alaska to address management concerns of salmon stocks originating north of Cape Caution, British Columbia and south of Cape Suckling, Alaska.

THE SOUTHERN PANEL:

The Southern Panel is to be appointed to develop management recommendations for stocks originating south of Cape Caution (except for Fraser River sockeye and pink salmon stocks). The proposed implementing legislation describes the six-member United States section of the Southern Panel as consisting of one representative of the United States, one appointee each from the governors of Washington and Oregon, two representatives of treaty Indian tribes, and one appointee of the Secretary of State annually alternating between commercial and recreational fishing representatives. Recommendations of the Southern Panel are to be made by majority vote, provided that the representatives from the states of Washington and Oregon and at least one treaty tribal representative concur.

THE FRASER RIVER PANEL:

The Fraser Panel will replace the International Pacific Salmon Fisheries Commission in managing Fraser River sockeye and pink salmon runs. The proposed implementing legislation describes the United States section of the Panel as being comprised of four members, one from the United States, one appointee of the governor of the State of Washington, one from treaty Indian tribes, and one from the commercial fishing industry appointed by the Secretary of State. Pre-season recommendations of the U.S. section require consensus among the four panel members. In-season management decisions require a majority vote of members present and voting, provided that both the Washington State and treaty tribal representative concur.

THE CONCILIATION BOARD:

A three-person Conciliation Board is established to assist the U.S. sections of panels or the commission in developing recommendations.

THE ADVISORY BOARD:

The proposed implementing legislation establishes an advisory committee to provide expertise and perspectives from the fishing community. Half of the membership must be residents of Alaska and at least one must reside in Idaho.

THE U.S. – CANADA SALMON INTERCEPTION TREATY

CHINOOK FISHING REGIMES

The Chinook Regime:

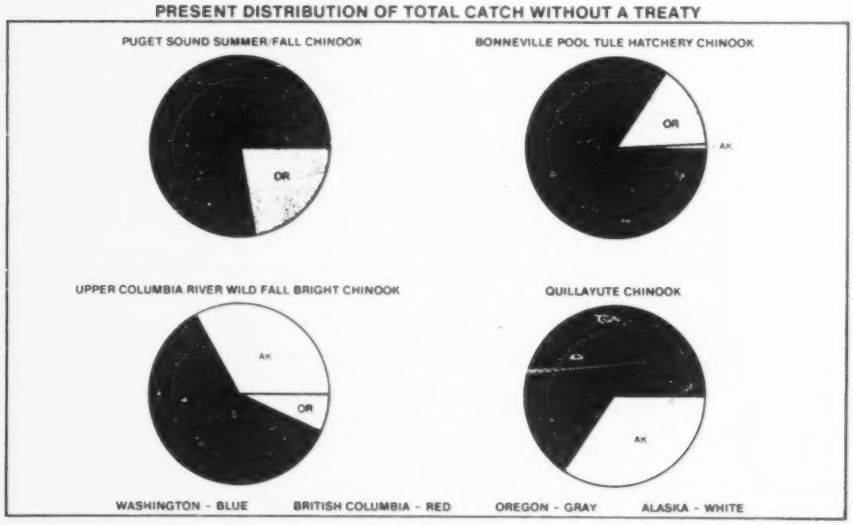
- Provides coastwide management to rebuild depressed chinook stocks to optimum production by 1998;
- Reduces chinook harvests off Southeast Alaska and British Columbia to meet the rebuilding deadline. To begin that process, 1985 and 1986 harvest will be capped as follows:

Southeast Alaska	263,000 chinook
Northern & Central B.C.	263,000 chinook
West Coast Vancouver Is.	360,000 chinook
Georgia Strait	275,000 chinook

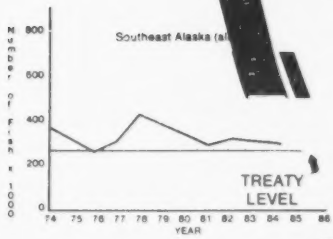
- Allows catch limits after 1985 to be reduced, if necessary, to maintain the rebuilding schedule;
- Provides that other fisheries will be managed to pass through to spawning grounds the bulk of fish from depressed stocks saved by the conservation measures;
- When chinook stocks are rebuilt, harvests will be maintained to ensure fair allocation among fisheries and to ensure maximum sustained production.
- Compared to recent levels without a treaty, returns of Washington and Columbia River origin chinook are projected to increase:

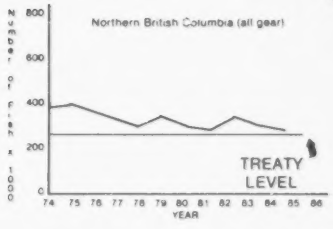
STOCK	1989	1994	1998
Columbia River Bright	13%	21%	25%
Wash. Coastal Fall	16%	27%	35%
Columbia River Tules	13%	14%	14%
Puget Sound	22%	26%	28%

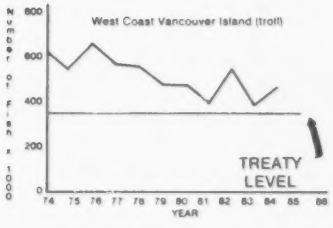
PRESENT DISTRIBUTION OF TOTAL CATCH WITHOUT A TREATY

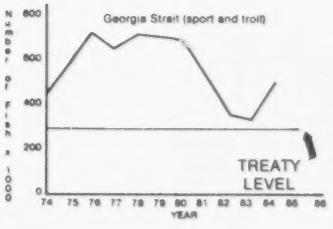


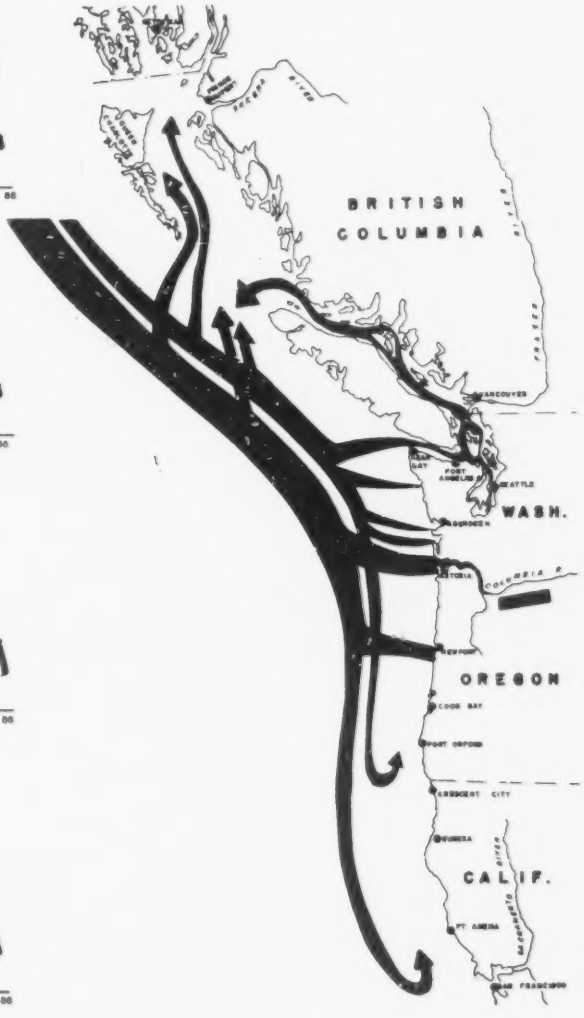
WASHINGTON CHINOOK SALMON MIGRATION PATTERNS
CANADIAN AND ALASKAN HARVEST LEVELS



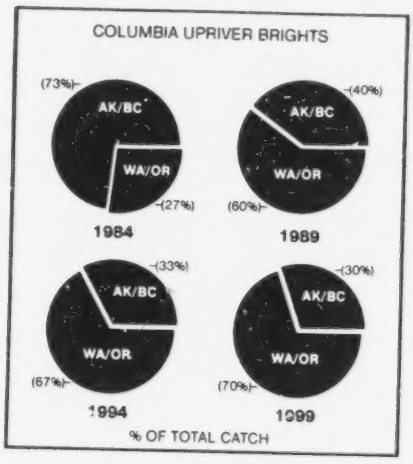


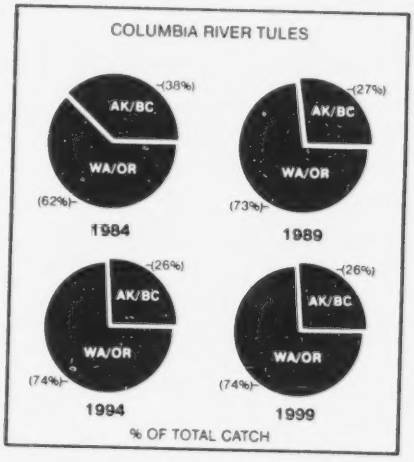


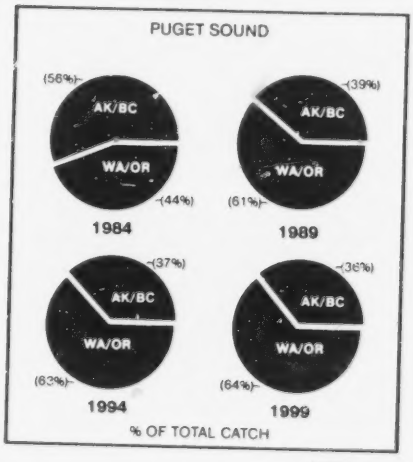


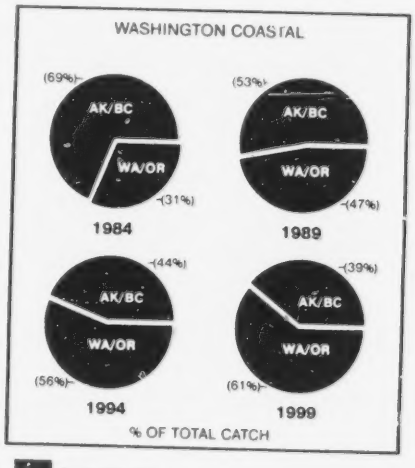


THE U.S. – CANADA SALMON INTERCEPTION TREATY
PROJECTED HARVEST SHARING OF NORTHWEST-ORIGIN CHINOOK UNDER THE U.S. – CANADA TREATY CHINOOK REBUILDING PROGRAM









North (AK, BC) South (WA, OR)

CHINOOK

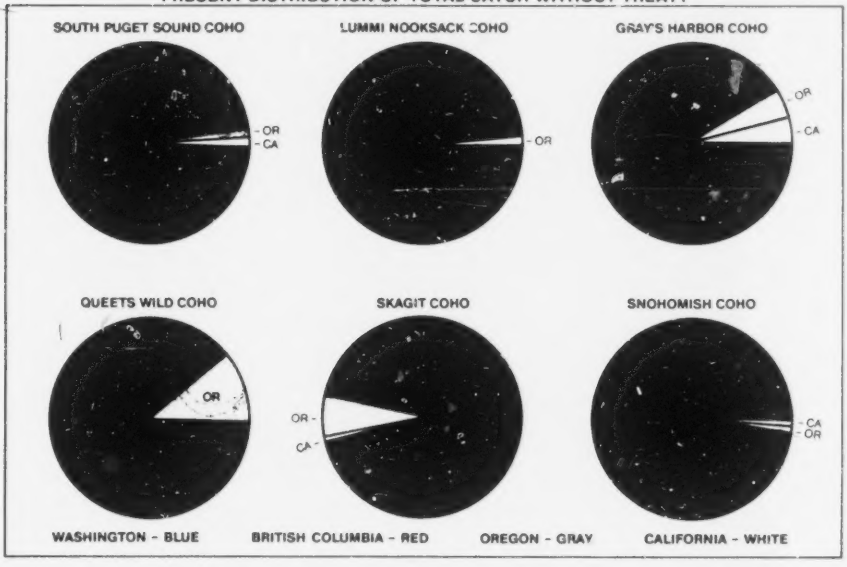
THE U.S. – CANADA SALMON INTERCEPTION TREATY

COHO FISHING REGIMES

THE COHO REGIME:

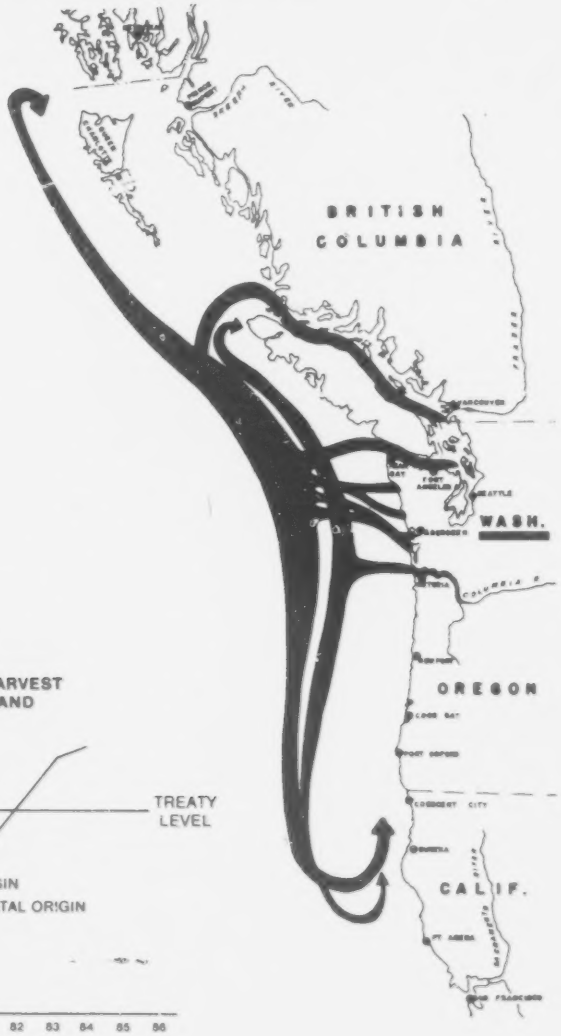
- Cuts Canada's troll coho harvest off the West Coast of Vancouver Island -- which consists primarily of Washington-origin stocks -- from a recent level of 2.3 million to 1.75 million for 1985 and 1986.
- Requires coho harvest after 1986 to be set in accord with conservation and equity principles of the Treaty.
- Establishes a Joint Technical Committee to evaluate stock status and make management recommendations.
- Requires ocean coho fisheries to be managed consistently with inside coho management programs.
- Requires Canada to share the burden of conserving Washington-origin coho stocks.
- Prevents the shift of Canadian fishing effort to coho from other species.
- Prevents an increase in Canadian harvest of U.S. coho by alternating fishing patterns.
- Given recent abundance and fishing patterns, will result in an immediate 20% to 40% greater return of Washington coho than would occur without the Treaty.

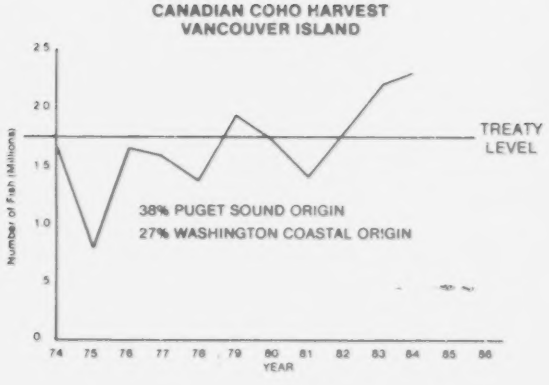
PRESENT DISTRIBUTION OF TOTAL CATCH WITHOUT TREATY



COHO

WASHINGTON COHO SALMON MIGRATION PATTERNS
CANADIAN HARVEST LEVELS





COHO

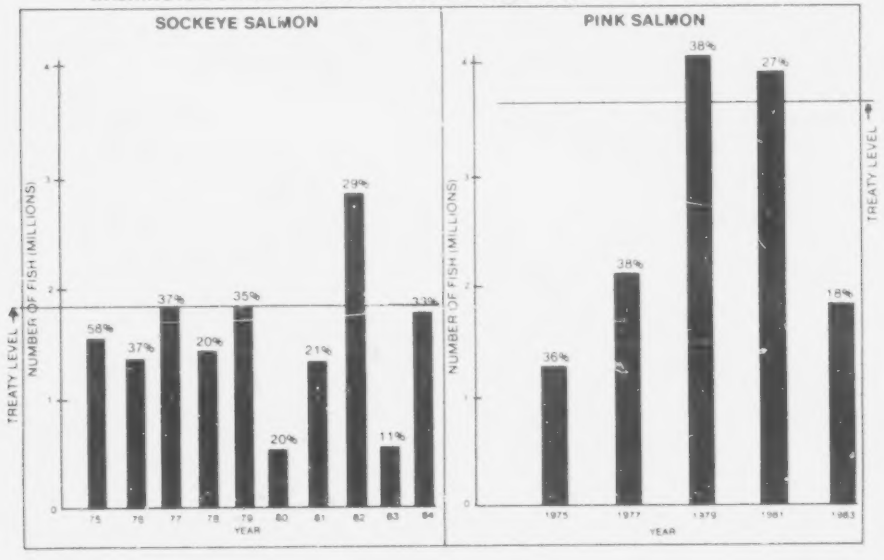
THE U.S. – CANADA SALMON INTERCEPTION TREATY

THE FRASER RIVER FISHING REGIMES

THE FRASER RIVER REGIME:

- Entitles U.S. fishermen to harvest more fish than recent year's levels.
- Allows Puget Sound commercial fishermen to increase their annual average harvest of Canadian sockeye by 24% over 1975-1984 average harvest (Based on available run size forecast).
- Promotes stability for U.S. fisheries reliant upon Fraser River sockeye and pink salmon -- for four years, insulates U.S. Fraser River fisheries from equity adjustments (The only U.S. fishery so protected by the Treaty).
- Provides for full accounting of Fraser River sockeye and pink harvests, wherever those harvests occur.
- Promotes greater future productivity of all Fraser River stocks.
- Requires consideration of other stocks and species in managing Fraser River sockeye and pink salmon stocks.

WASHINGTON CITIZEN HARVEST OF FRASER RIVER SOCKEYE AND PINK SALMON



FRASER RIVER

STATEMENT OF EARL E. KRYGIER, ALASKA TROLLERS ASSOCIATION, JUNEAU, AK

Mr. Chairman and distinguished committee members, thank you for the opportunity to present testimony on this historic international treaty. My name is Earl Krygier, of Juneau, Alaska. I am the Executive Director of the Alaska Trollers Association (ATA) and was an Alaska/U.S. delegate to the negotiations. I am testifying in support of the draft United States/Canada Salmon Treaty which is before you for consideration.

ATA has been intimately involved during the many years of the salmon treaty negotiations. We firmly believe that the document which has finally reached you for ratification represents the best possible compromise for both countries and for the health of the salmon stocks. However, we are very concerned that, in the short term, Alaskan salmon harvest lost for the sake of negotiated compromises far outweighs any treaty derived benefits for the people of Alaska. It should be remembered that this treaty benefits the Federal Government, the States of Washington, Oregon, and the Treaty Tribes far more than it does Alaska.

In particular, the Federal Government has benefited greatly on the diplomatic front through achieving an important agreement with the United States' foremost trading partner and closest ally regarding an intractable and regionally quite divisive issue. Solving the long standing salmon dispute with Canada, rather than having to resort to the World Court as in the case of George's Bank, augers well for future bilateral negotiations on such difficult problems as acid rain. The States of Washington, Oregon, and the Treaty Tribes will benefit by direct, dramatic increases in harvestable fish.

Though it may be said we were cautious participants in these negotiations, we did recognize that only through coastwide, international management and enhancement could salmon stock health be assured, and thus maximum harvest potential be achieved. Our major fear was that our harvest might be manipulated through the Treaty Commission dominated by "South '48". We Alaskans have grave concern about any management schemes which act to perpetuate the longstanding economic colonialism of our fisheries by Washington State. For this reason we argued ceaselessly for a balanced Treaty Commission, implementing language which safeguards Alaska's integrity, and the formal recognition of this treaty as the mechanism to solve the demands of the "Boldt area" treaty tribes, whether or not such claims are legally relevant in Alaska.

Leading up to the treaty negotiations there was much public cant to the effect that the chinook salmon was an endangered species. In fact, chinooks were never "endangered". Coastwide stocks were depleted below optimum levels for biological and economic production, which resulted in disputes over harvest sharing. There is a big difference between endangered and depleted in biology. This is not just a case of semantic hairsplitting. It is important to stress at the outset that Alaska did not create depletion problems. Depletion came about as result of hydroelectric and irrigation dams which caused massive spawning habitat loss, destroyed millions of migrating salmon smolts and disoriented returning adults; destructive timber practices which smothered spawning beds in silt, and the extensive depredation on salmon stocks by foreign, primarily Japanese, trawls and high-seas gillnets.

Senators, you should know that the Japanese take 2 to 3 times the chinook catch of the entire Southeast troll fleet. With respect to the "south '48" it should be remembered that Washington and Oregon have benefited from cheap hydroelectric power, irrigation of their interior drylands, economic development and jobs generated by polluting streamside industries, and profits of rapacious timber harvesting. Alaska suffered nothing but harvest losses through all this. Our chinook catch dropped steadily all through the 1940's, 1950's and 1960's as a result of these problems. We have never been compensated for these losses. Throughout all the overfishing of chinooks by Canada and the "lower 48" during the 1970's, the massive highseas net interception, and the destruction caused by the dams, Alaska has remained the great pristine ocean pasture which has fed and nurtured the chinook. Six inch fish, weighing mere onces, leave the Columbia and other natal streams and return after 3-4 years in Alaskan waters as magnificant king salmon weighing 25 pounds or more. We assert that these are "our" fish as well.

For years we have been unfairly singled out as a major cause of stock depletion. This is disinformation, pure and simple. Alaska, of all the chinook producers and harvesters instituted the first comprehensive chinook rebuilding plan and took major harvest reductions while Canada and the Lower 48 neither lidded their catch nor instigated rebuilding. This of course is why a coastwide management and enhancement plan was necessary. During the last round of treaty negotiations we finally managed to convince Canada and the "lower 48" to accept a rebuilding plan

which assures stock rebuilding without destroying the economic viability of the many salmon fishermen.

It is germane to reiterate the expectations of the Alaskan delegates as to the Federal responsibilities. Historically, mitigation for fishery losses in the Northwest was ill-planned and yielded poor benefits, which in turn left unhappy constituents. We believe that the requests for mitigation moneys by the State of Alaska are both economically streamlined and palatable under the Presidential request for tighter budgets. Since 1980, U.S. delegation discussions have included the need for Federal funding to offset losses incurred by Alaska in implementating a Treaty. It should be noted that not only the delegates were in agreement but the representatives of the State Department at the Treaty negotiations agreed that our mitigation costs were well outweighed by the benefits to the Federal Government. As you read through the negotiated Treaty, please note the responsibilities of the United States to conduct research, supply the management and administrative structure, and use enhanced fish to offset the economic impact of the Treaty. These are Federal responsibilities. For those of us who inhabit the small towns and villages of Alaska, where fishing is often the only means of economic support, we petition you to meet these responsibilities fully. Our State officials have delivered to you a concise listing of these needs.

Thank you for your time and deliberation.

UNITED SOUTHEAST ALASKA GILLNETTERS,
Juneau, AK, February 21, 1985.

Hon. FRANK MURKOWSKI,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR MURKOWSKI: I have written the following letter and request that you present it for us to the Senate Foreign Relations Committee during its consideration of ratification of the proposed United States/Canadian Salmon Treaty. I am sorry that I cannot attend the committee meeting myself. Time and distance prevent this, but it is imperative that you and the other senators appreciate how important the consequences of this treaty are going to be for the southeastern gillnet fishery.

The economic health of the Southeast Alaska gillnet fishery is important not only to Alaska, but to Washington State as well. 69 percent of the 481 permit holders in the fleet are Alaskan, providing employment opportunites for people in a large number of Southeastern communities; but 149 other U.S. citizens, mostly from Washington State, avail themselves of the business opportunities presented by the Southeast Alaska drift gillnet fishery.

In addition, we receive among the highest prices in the State for our catch, and are the leader in quality among the net fisheries, with the highest percentage of refrigerated catch in the State. (96 percent of the Southeastern gillnet fleet chill their entire catch upon capture. Commercial Salmon Fleet Quality Study, ASMI, 1984.)

The proposed salmon interception treaty is a bitter pill to the folks involved in the gillnet fishery in Southeast Alaska. It brings no increase to any of their fisheries; it institutionalizes Canada fisheries in the transboundary rivers, without securing a long term agreement on either entitlement or harvest allocation. A bitter pill Gillnetters are saddled with a continuation of the uncertain future that these historic fisheries have faced since 1979.

Yet, we are told by our negotiator, and by our fellow Americans in Washington State, and Washington D.C., that we must take this pill. It is in the overall interest of the nation. The salmon treaty is said to be second to acid rain in a Presidential commitment to improve relations with Canada.

It appears, to our association members, very unlikely that Southeastern gillnetters will be able to count on the Taku and Stikine for major contributions in the long run. Since 1979 Alaskan gillnetters have experienced lower production, and less fishing time and area, due to reallocations from historic Alaskan fisheries to new Canadian fisheries.

In 1984, gillnetters in the Petersburg-Wrangell area saw four weeks of total closures in Sumner Strait. Simultaneously, in the Juneau area, gillnetters saw a sockeye harvest on the Taku that was only 60 percent of the 1979 parent year harvest. In the future, the principle of equity in Article III, can be expected to argue for increasing catches in Canadian transboundary fisheries and decreasing catches in Alaskan fisheries.

However, as loyal Americans, and in the spirit of the common good, USAG will urge gillnet permit holders, their families and crew, to accept the present draft, be-

cause it satisfies the national commitment to negotiate a settlement between Canadian and American interests; and provides a framework for the coastwide rebuilding of the chinook stocks, some of which are exceedingly depressed; while at the same time preserving the Alaskan troll fishery.

While we in the fishery are bearing the brunt of the cost of this treaty, we have something to ask you to convey to the rest of the committee members. That is to get their commitments to not leave us to bear these costs alone. A big part of the reason for signing this agreement has to do with a national commitment to getting this treaty as a symbol of the new climate of cooperation between Canada and the United States. It also satisfies the interests of the Indian tribes in the Pacific Northwest, who have a treaty with the United States of America, and a variety of other interests in the Pacific Northwest, who have a treaty with the United States of America, and a variety of other interests in the Pacific Northwest.

As I have said, strictly speaking it doesn't benefit if the Southeast Alaska gillnet fishery at all. It is a complete loss. If signing this treaty was that important to the federal government—that it is necessary to sacrifice some American fishermen—then the nation has incurred a solemn obligation to provide support in the funding of fisheries research, the treaty mechanism, (including the support of industry participants), and mitigations for fisheries dislocated or destroyed by the treaty allocations.

With this treaty on such a fast track—because the two heads of state want to be able the sign the treaty at their next meeting—the signing and ratification will be history, before any funding is provided for setting up the treaty commission structure, funding research programs, or future mitigation. All of us out here in the fishery have to trust that our good faith and sacrificies will not be forgotten when the time comes to make those decision this year and in the future.

Thank you very much for delivering our concerns to the other committee members. We know we can count on you to do all you can to see that the national interest shows a national responsibility.

Sincerely,

GERON BRUCE, *Executive Director.*

WASHINGTON TROLLERS ASSOCIATION,
Bellevue, WA, February 4, 1985.

Subject: Resolution of Treaty Indian All Citizen Law Suit.

Hon. SLADE GORTON,
U.S. Senator, Hart Senate Office Building, Washington, D.C.

DEAR SENATOR GORTON: In the last two weeks, Washington Trollers Association representatives have been in contact with your staff concerning the U.S./Canada Salmon Treaty and the resolution of the Indians' All Citizen Law Suit. It appears there is considerable confusion between your staff and our association on these issues. Therefore, we are writing this letter to attempt to clarify our concerns.

First, we wish to emphasize that we are 100 per cent in favor of the U.S./Canada Salmon Treaty. Our fishermen who have fished up near the Canadian border and have witnessed the massive troll fleet in Canadian waters have no doubt that this treaty is absolutely essential.

Our concerns deals with two issues: (1) Resolution of the All Citizens Law Suit; and (2) proposed enabling legislation.

Issue No. 1 will be addressed in this letter and issue No. 2 in a forthcoming letter. Prior to discussing our concerns on the All Citizens Law Suit, a brief review of the interaction between the coastal and Columbia River fisheries and salmon stocks is required.

The Washington ocean fisheries (troll and sport) depend primarily on hatchery chinook salmon stocks from the lower Columbia River and coho salmon stocks from the lower Columbia River as well as coastal streams. The Columbia River Treaty Indian fisheries have historically depended on upper Columbia River chinook salmon stocks. The upper River chinook stocks are harvested to only a very small extent in the Washington ocean fisheries. Recent studies by the Wshington Department of Fisheries indicates that the up-river chinook stocks only comprise 4 per cent of the Washington troll catch. Ocean interceptions of the up-river chinook stocks take place primarily in British Columbia and in Southeast Alaska. The greatest thrust in the United States/Canada Salmon Treaty talks form the southern perspective was designed to achieve the rebuilding of the upper Columbia River chinook stocks. As a result, the U.S. delegation was forced to make significant concessions to the Canadians on the chinook and coho stocks that are of greatest impor-

tance ot the Washington coastal fisheries. Thus, the primary benefit from the U.S./ Canada Salmon Treaty will occur in the rebuilding of the up-river Columbia chinook stocks and the associated fisheries: the Columbia River Indian net fisheries, to a lesser extent the lower Columbia River non-Indian net fishery, and to some extent the in-river Columbia River sport fishery. The vast majority of the Washington and Oregon salmon fishermen will not directly benefit at all from the rebuilding of the up-river Columbia chinook stocks.

The benefits from this rebuilding which will accrue to the ocean fisheries of Washington and Oregon will be of a secondary nature through the easing of Indian allocation problems associated with chinook salmon. In this context, it is extremely important for the non-Indian ocean fisheries to retain as much as possible of the lesser benefits that will result from the United States/Canada Salmon Treaty related to lower Columbia chinook salmon and Washington coho stocks. These issues become involved in the All Citizens Law Suits which are discussed below.

Regarding the All Citizens Law Suits, our delegates were told both before and during the treaty talks that Northwest senators had indicated that the Indians were not going to get "two bites out of the apple". In other words, if we were successful in obtaining a beneficial treaty, the Indians would not be allowed to press the All Citizen Law Suit and make further gains beyond those provided by the United States/Canada Salmon Treaty.

The Washington Troller Association delegates were at the forefront in negotiating a significant reduction in the Canadian catch of coho off Vancouver Island, where the largest catch of Washington origin coho occurs. These returning fish are very important to our fishery and are a direct benefit to coastal and Puget Sound tribes.

After the language of the proposed treaty was resolved in Vancouver, B. C., we were very deeply concerned and upset to learn that the Indians were not willing to drop their All Citizen Law Suits and that although there was to be some sort of resolution of the Alaska issue regarding chinook prior to ratification of the treaty, the Washington and Oregon issues regarding coho were to be negotiated and resolved at a later date. On January 11, 1985, Judge Craig ordered that the trail dates for the All Citizen Law Suit be rescheduled from February 4, 1985 to May 15, 1985 if the seasons set for 1985 are not satisfactory to the Indians, or to November 4, 1985 if the 1985 season is acceptable to the Indians.

According to Washington Department of Fisheries Director, Mr. Bill Wilkerson, the intent regarding the resolution of the coho issues is to attempt to negotiate a settlement of the outstanding issues regarding coho prior to November 4, 1985. We are very deeply concerned as to what additional concessions he will be required to make to the Indians for the tribes to agree to a settlement. Mr. Wilkerson has indicated that you and Senator Evans have told the Indians they must be reasonable in pursuing this settlement if they expect continued support for salmon enhancement projects. That appears to be about the only "club" which Mr. Wilkerson has at his disposal to attempt to arrive at a negotiated settlement. We believe that this approach to resolving these issues places Mr. Wilkerson, the states of Washington and Oregon, and the non-Indian ocean fisheries of Washington and Oregon in a very poor bargaining position. We believe a satisfactory resolution of these issues must be brought about prior to the ratification of this all important treaty.

The reason we feel so strongly on this issue is that if the Indians were to succeed in the majority of their demands regarding their allocation of coho, then the Washington ocean fishery troll and sport, would be virtually eliminated and that the Oregon troll and sport fisheries would be serverely reduced. We wish to cite two paragraphs from an article in the 1st July 1984 issue of the Fishermen's News which relates a discussion held by the reporter with Mr. Bill Wilkerson concerning the All Citizens Law Suit:

"Wilkerson said rumors of the impact of the All Citizens Law suit are pretty accurate. If the Alaskan chinook catch is included in the Washington non-Indian allocation, it will mean very limited ocean fisheries, Columbia River gillnet and sport fishing, possibly a reduction of 70 to 90 percent of present day catches.

"The suit would also be concerned with the catch of Washington origin coho by Oregon and California fishermen. 'Add the Oregon catch to the non-Indian share, and you're talking about very, very, very limited ocean interception off Washington' said Wilkerson."

Apparently the first issue Mr. Wilkerson discussed in relation to the Alaska catch will be satisfactorially resolved prior to ratification of the treaty. It now appears the second issue relative to coho will not be resolved. To obtain a better appreciation for the ramification of the coho issue, we have obtained historic catch data from the Washington Department of Fisheries and have performed an evaluation which con-

firms Mr. Wilkerson's comment about the potential impact of the suit regarding coho.

From our evaluation, it appears that including Oregon coho catch in the non-Indian share, based on the average of the 1979–1982 seasons, and assuming all the cuts were to be taken in Washington, it would result in a 49 percent cut in the Washington ocean coho fishery. If the cuts were shared equally between Washington and Oregon, it would result in a 33 percent reduction in each state. The above reductions were based on escapements continuing at the lower end of the court imposed escapement range. If escapements were increased to the upper end of the escapement range, the ocean fishery in each state would have to be decreased about 70 percent or the Washington ocean fishery would have to be totally eliminated if all the cuts were to be taken in Washington. With even the lessor of the reductions described above, the ocean fisheries would be so restricted that they would not be able to harvest the chinook stocks allocated to them. It would effectively mean that the Washington Coastal Indians would be allowed to harvest essentially ALL of the fish from their streams and the ocean fishery would be eliminated.

The Washington Department of Fisheries has stated than in recent years, the tribes have harvested approximately 65 percent of the aggregate salmon harvest produced by coastal streams, rather than the "up to a maximum of 50 percent" ruled by the U.S. Supreme Court. If they obtain a favorable ruling in the All Citizens Law Suit, they will be able to significantly increase their share of the harvest.

In view of the ominous nature of the coho issue in the All Citizen Law Suit, we urge you to do whatever is possible to insure that the Indians' All Citizen Law Suit issues relative to coho salmon are somehow resolved in a manner that will maintain a viable ocean fishery for both troll and sport fishermen in the ocean waters of Washington and Oregon. For the coastal communities of these two states, it is extremely important that both fisheries be allowed a reasonable opportunity. Every single ocean fishery is intertwined with the economic health of the salmon fishery. Much of the current pressure on the dungeness crab fishery and the bottom fishery is directly related to the transfer of effort by trollers entering these other fisheries in their attempt to survive.

We sincerely appreciate whatever efforts you are able to take on behalf of Washington and Oregon ocean fishermen in this issue. We are sending copies of this letter to several members of the Washington and Oregon delegations to apprise them of the very serious issue we are addressing in this letter.

Sincerely yours,

DOUGLAS FRICKE, *President.*

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